

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2471 OF 2020
(Arising out of SLP(Civil) No.7134 of 2020
Diary No.39143 of 2017)

RAJESH

APPELLANT(S)

VERSUS

PARMOD & ANR.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

Heard counsel for the parties.

This appeal is against the judgment of the High Court dated 10.12.2014 in FAO No.2604/2013(O&M) by which the High Court has allowed the appeal of the appellant by increasing the compensation from Rs.2,75,000/- to 10,35,000/-.

Counsel for the appellant before us has made submissions for further enhancement on two counts. He submits that the one leg of the appellant was imputed and he was entitled for compensation on specific item of pain and suffering which was not granted by the High Court. He further submits that in view of the Constitution Bench judgment in National Insurance Company Ltd. vs. Pranay Sethi & Ors. - (2017) 16 SCC 680, 40% future prospect ought to have been granted whereas only Rs.50,000/- was

granted and total income was assessed as Rs.4,50,000/- .

We find substance in the above submissions of the counsel for the appellant.

Counsel for the Insurance Company submits that the High Court has already enhanced the compensation to Rs.10,35,000/- and both pecuniary and non-pecuniary compensations have been separately quantified. Be that as it may, for future prospect only Rs.50,000/- has been granted whereas taking 40% of Rs.4,50,000/- the amount comes to Rs.1,30,000/- .

We, thus, further increase the future prospect to Rs.80,000/- . For pain and suffering, we are satisfied that the appellant was further entitled for an amount of at least one lac. We, thus, enhance the total compensation, as granted by the High Court, further to the extent of Rs.1,80,000/- .

The appeal is allowed accordingly.

.....J.
(ASHOK BHUSHAN)

.....J.
(M.R. SHAH)

.....J.
(V. RAMASUBRAMANIAN)

New Delhi
June 01, 2020

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s). 39143/2017

(Arising out of impugned final judgment and order dated 10-12-2014 in FAO No.2604/2013 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAJESH

Petitioner(s)

VERSUS

PARMOD & ANR.

Respondent(s)

(IA No. 24742/2018 - CONDONATION OF DELAY IN FILING
IA No. 24743/2018 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 01-06-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mr. Sahil S. Chauhan, Adv.
Mr. SPM Tripathi, Adv.
Mr. Satish Kumar, AOR

For Respondent(s)

Mr. Maibam Nabaghanashyam Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)