

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.336-337/2017

THE MANAGER, TAMIL NADU STATE TRANSPORT CORPORATION Appellant(s)
(COIMBATORE) LTD. ETC.

VERSUS

ANAND KUMAR (DEAD) THROUGH LR. & ANR. Respondent(s)

O R D E R

Application seeking condonation of delay in filing application for substitution is allowed and the abatement is set aside.

For the reasons stated in the application for substitution to bring on record the legal representative of the deceased Respondent No.1, the said application is allowed.

Cause title be amended accordingly.

Heard the learned counsels appearing for the parties at length today.

Learned counsel appearing for the appellant has given us the calculation sheet with regard to compensation which the respondents/claimants are entitled to.

Taking into consideration the said calculation sheet, the respondents/claimants are entitled to the following compensation which is extracted below:-

Loss of income (Monthly Income notionally fixed at Rs.6500/- + Future prospects fixed at 40% of monthly income – Rs.2600= Rs.9100/- minus 50% towards personal expenses Rs.4550x12=Rs.54600x17=Rs.9,28,200/- minus 10% tax = Rs.8,35,380/-.	Rs.8,35,380/-
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Medical expenses (already awarded by the High Court)	Rs.11,43,092/-
Future Medical Expenses (Already awarded by the High Court)	Rs.4,00,000/-
Pain and Suffering	Rs.3,00,000/-
Loss of Amenities	Rs.3,00,000/-
Attendant charges (already awarded by the Tribunal)	Rs.1,52,250/-
Attendant Charges for another 5 years @ Rs.5,000/- p.m.	Rs.3,00,000/-
Future Medical Expenses	Rs.4,00,000/-
Marriage Prospects	Rs.3,00,000/-
Extra Nourishment	Rs.1,00,000/-
Transportation	Rs.50,000/-
100% Disability (@Rs.3,000 per percentage)	Rs.3,00,000/-
Total compensation to be awarded by this Hon'ble Court	Rs.45,80,722/-

According to the appellant, the respondents are entitled to an amount of Rs.45,80,722/-.

However, having regard to the fact that the deceased was in coma for eight years and spent huge amount towards medical expenses etc., while agreeing with the calculations made by the learned counsel appearing for the appellant, but so far as 100% disability suffered by the deceased is concerned, we feel that the amount awarded under the said head appears to be on the lower side and the learned counsel appearing for the appellant has also agreed that Rs.3,00,000/- under the said head can be enhanced to Rs.10,00,000/-, which would meet the ends of justice. Thus, the total compensation amount comes to Rs.52,80,722/- which if rounded off, comes to Rs.53,00,000/- which shall be paid by the appellant

to the respondents/claimants.

In view of the above, the impugned order of the High Court stands modified to the said extent only.

We make it clear that rest of the contents of the Award shall remain unchanged.

Respondents are at liberty to file application for release of the amount before the concerned Tribunal.

The Civil Appeals stand disposed of in the afore-stated terms.

.....J
(N.V. RAMANA)

.....J
(MOHAN M. SHANTANAGUDAR)

.....J
(AJAY RASTOGI)

NEW DELHI;
21ST AUGUST, 2019.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos.336-337/2017

THE MANAGER, TAMIL NADU STATE TRANSPORT CORPORATION Appellant(s)
(COIMBATORE) LTD. ETC.

VERSUS

ANAND KUMAR (DEAD) THROUGH LR. & ANR. Respondent(s)

(IA No. 112951/2018 - APPLICATION FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLICATION AND THE APPLICATION FOR SETTING ASIDE THE ABATEMENT AND IA No. 112949/2018 - APPLICATION FOR SUBSTITUTION)

Date : 21-08-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. R. Ayyam Perumal, AOR

For Respondent(s)

Mr. T. Harish Kumar, AOR

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

Application seeking condonation of delay in filing application for substitution is allowed and the abatement is set aside.

For the reasons stated in the application for substitution to bring on record the legal representative of the deceased Respondent No.1, the said application is allowed.

Cause title be amended accordingly.

The Civil Appeals stand disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)

