

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4465-4466/2019
(@ OUT OF SLP(C)NO.11024-11025/2019
DY. NO.45791/2018)

PUTTALAKSHMAMMA

Petitioner(s)

VERSUS

NATIONAL INSURANCE COMPANY LTD. & ANR.

Respondent(s)

O R D E R

UDAY UMESH LALIT, J

Leave granted.

One Puttamma died at the age of 22 years in a motor vehicle accident on 29.12.2004. At the time of accident, said Puttamma was a widow without any children.

The claim petitions preferred by her mother-in-law and mother of the deceased were allowed by the MACT, vide its order dated 18.4.2011. The operative part of the order passed by the Tribunal was as under:

"The claim petition filed by the petitioners in MVC 4/07 and MVC88/08 under Section 166 of MV Act 1988 is hereby allowed in part with costs against respondent Nos.1 & 2. The claim petitions against respondent Nos.3 and 4 is dismissed.

The petitioner in MVC 4/07 is entitled to total compensation of Rs.4,42,000/- (Rupees four lakhs fourty two thousand only) and the petitioners in MVC 88/08 are entitled for total compensation of Rs.2,41,000/- (Rupees two lakhs forty one thousand only).

The above said compensation amount shall carry 6% interest from the date of petition till the deposit.

50% of the amount of compensation amount of petitioners in MVC 4/07 and 88/08 shall be kept in F.D. in their names for a period of 5 years in any of the Nationalized or scheduled bank with liberty to withdraw periodical interest.

The respondents 1 and 2 are jointly and severally held liable to pay the above said compensation amount to the petitioners and primary responsibility is fixed on 2nd respondent to pay the compensation and is directed to deposit the same within 30 days from the date of award.

Advocate's fee in each case is fixed at Rs.500/-."

In appeals preferred by the Insurance Company, the High Court found that the deceased was an agriculturist by occupation and that her income was Rs.6,000/- per month. After considering the applicable multiplier to be 18, capitalized loss to the Estate was quantified at Rs.3,24,000 to which further elements of compensation were added and the total compensation was arrived at Rs.4 lakhs. Both the claimants were held entitled to share this compensation of Rs.4 lakhs.

Aggrieved by the decision, the mother of the deceased has filed the present appeal by special leave.

According to the learned counsel, the appellant is entitled to future prospects as awarded by this Court in National Insurance Co.Ltd. vs. Pranay Sethi [(2017)16 SCC 680] and subsequent cases. He further submits that the appellant was completely dependent upon said Puttamma.

Considering the facts and circumstances on record, in our considered view, ends of justice would be met, if the compensation awarded to the present appellant is enhanced from Rs.2 lakhs to Rs.3.50 lakhs. We have not disturbed the quantum which was awarded in favour of the other claimant, namely, mother-in-law of the

deceased. The appellant shall be entitled to interest at the rate and for the period that was awarded by the High Court on the enhanced compensation.

With the aforesaid observations, the appeal stands disposed of. No costs.

..... J.
[UDAY UMESH LALIT]

..... J.
[INDU MALHOTRA]

New Delhi,
April 23, 2019

ITEM NO.22

COURT NO.8

SECTION IV-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 45791/2018

(Arising out of impugned final judgment and order dated 19-03-2015 in MFA No. 11610/2011 19-03-2015 in MFACR No. 125/2013 passed by the High Court Of Karnataka At Bengaluru)

PUTTALAKSHMAMMA

Petitioner(s)

VERSUS

NATIONAL INSURANCE COMPANY LTD. & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.15222/2019-CONDONATION OF DELAY IN FILING and IA No.15230/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.15228/2019-CONDONATION OF DELAY IN REFILING IA No. 15222/2019 - CONDONATION OF DELAY IN FILING IA No. 15228/2019 - CONDONATION OF DELAY IN REFILING IA No. 15230/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-04-2019 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. C.B. Gururaj, Adv.
Mr. Pramit Chhetri, Adv.
Mr.K.P. Singh, Adv.
Mr. Prakash Ranjan Nayak, AOR

For Respondent(s) Mr. Ambhoj Kumar Sinha, AOR

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

Delay condoned.

Leave granted.

The appeal stands disposed of in terms of the signed order.

(INDU MARWAH)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER

(signed order is placed on the file)