

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 21821/2017  
(arising out of SLP (C) No. 11616/2017)

BIMLA DEVI & ORS.

Appellants

VERSUS

NARENDER & ORS.

Respondents

O R D E R

When the case was called, learned counsel for the petitioner was not present. As the matter relates to a claim petition and the legal representatives have preferred the special leave petition for enhancement of the claim, and further, the counsel for the insurer on whom liability has been fastened is present, we thought it appropriate to dispose of the matter.

For the aforesaid purpose, we have appointed Ms. Madhumita Bhattacharjee, learned counsel as Amicus Curiae.

Leave granted.

The present appeal calls in question the legal propriety of the order dated 20.10.2016 passed by the High Court of Punjab and Haryana at Chandigarh in F.A.O. No. 1304/2015 (O&M), by which the High Court has enhanced the amount of compensation by Rs.60,000/- (Rupees sixty thousand only). Be it stated, the Tribunal had granted

Rs.5,28,500/- (Rupees five lacs twenty eight thousand five hundred only) and by virtue of enhancement granted by the High Court, the total sum had come to Rs.5,88,500/- (Rupees five lacs eighty eight thousand five hundred only).

It is submitted by Ms. Madhumita Bhattacharjee, learned Amicus Curiae representing the appellants that the deceased was a 21 year old man and was engaged as a Supervisor, and the High Court has erroneously calculated the income as Rs.4,800/- (Rupees four thousand eight hundred only), whereas, there is material on record that he was a skilled labourer and was earning Rs.20,000/- (Rupees twenty thousand only) per month. That apart, it is submitted by her that future prospects at the rate of 40% have not been considered. For the aforesaid purpose, she has placed reliance on a decision rendered by this Court in *National Insurance Company Limited vs. Pranay Sethi & Ors.*, 2017 (13) Scale 12.

Mr. Abhishek Gola, learned counsel appearing for the insurance company would submit that 40% of the income cannot be added, for there is no basis for enhancing the income as no evidence has been brought on record.

Considering the material brought on record and regard being had to the post that the deceased held, we are inclined to come to the conclusion that his monthly income would have been Rs.6,000/- (Rupees six thousand only). If 40% towards future income is added to the monthly income,

it would come to Rs.8,400/- (Rupees eight thousand four hundred only).

Keeping in view the evidence on record, we think it appropriate to deduct 50%, so the amount of contribution would come to Rs.4,200/- (Rupees four thousand two hundred only) and the yearly contribution would be Rs.50,400/- (Rupees fifty thousand four hundred only). If the multiplier of 18 has to be applied, the amount would come to Rs.9,07,200/- (Rupees nine lacs seven thousand two hundred only). To the aforesaid sum, the conventional heads would be applied. As far as the loss of estate is concerned, the amount would be Rs.15,000/- (Rupees fifteen thousand only) and the amount of funeral expenses would also be Rs.15,000/- (Rupees fifteen thousand only). No consortium is granted as the deceased was a bachelor. Thus the total amount come to Rs.9,37,200/- (Rupees nine lacs thirty seven thousand two hundred only). The differential sum shall carry interest at the rate of 9% per annum. The determined amount alongwith interest be deposited before the Tribunal within twelve weeks hence, and the same shall be disbursed by the Tribunal keeping in view the decision of this Court in *General Manager, Kerala State Road Transport Corporation, Trivandrum vs. Susamme Thomas & Ors.*, (1994) 2 SCC 176.

We appreciate the assistance given by Ms. Madhumita Bhattacharjee, learned Amicus Curiae, in the matter.

In view of the aforesaid, the appeal stands allowed to the extent indicated above. The amount that has been paid shall be adjusted. There shall be no order as to costs.

.....CJI.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Dr. D.Y. Chandrachud]

New Delhi;  
December 12, 2017.

ITEM NO.32

COURT NO.1

SECTION IV-B

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

Petition for Special Leave to Appeal (C) No. 11616/2017

(Arising out of impugned final judgment and order dated 20-10-2016 in FAO No. 1304/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

BIMLA DEVI & ORS.

Petitioners

VERSUS

NARENDER & ORS.

Respondents

Date : 12-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Ms. Madhumita Bhattacharjee, Adv./A.C.  
For Petitioners  
Mr. Sanjay Kumar Visen, AOR (N/P)  
For Respondents

Mr. Abhishek Gola, Adv.  
Mr. C.K. Gola, Adv.  
Mr. Viresh B. Saharya, AOR  
Mr. Akshay Agarwal, Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

Pending interlocutory applications, if any, also stand disposed of.

(Deepak Guglani)  
Court Master

(H.S. Parasher)  
Assistant Registrar

(Signed order is placed on the file)