

ITEM NO.19

COURT NO.15

SECTION X

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 (C) No(s). 6207/2020

[Arising out of impugned final judgment and order dated 20-11-2019 in AO No. 255/2018 passed by the High Court of Uttarakhand at Nainital]

LAJJA DEVI

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. & ORS.

Respondent(s)

IA No. 7472/2022 - EXEMPTION FROM FILING O.T.

WITH

Diary No(s). 17499/2020 (X)

IA No. 81345/2020 - CONDONATION OF DELAY IN FILING

IA No. 81347/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 81346/2020 - EXEMPTION FROM FILING O.T.

Date : 06-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Navneet Kumar, Adv.
Mr. Harsh Sharan, Adv.
Mr. Parijat Kishore, AOR

Mr. M. K. Dua, AOR

For Respondent(s) Mr. Pradeep Gaur, Adv.
Mr. Amit Gaur, Adv.
Ms. Sweta Sinha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Ashwani Kumar Dubey, AOR

Mr. Navneet Kumar, Adv.
Mr. Harsh Sharan, Adv.
Mr. Parijat Kishore, AOR

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

SLP (C) No. 6207/2020

The contention of the learned counsel for the petitioner is that while computing the compensation payable, the High Court erred in computing the multiplicand in as much as it had not taken into account various allowances that were admissible. It has been contended that as per paragraph 44 of the decision of the Constitution Bench in *National Insurance Company Limited vs. Pranay Sethi* [2017 16 SCC 680] only deduction towards income tax is to be made.

2. In addition to above, learned counsel for the petitioner submits that while computing the compensation payable, 1/3rd towards personal expenses were to be deducted but in fact what has been done by the High Court is to deduct 2/3rd even though the observation is with regard to deducting 1/3rd.

3. Learned counsel for the Insurance Company submits that he will submit a chart regarding the compensation payable for which one week time may be allowed. List the matter in next week. In the meantime, learned counsel for the parties may submit the respective charts with regard to the computation of compensation.

Diary No(s). 17499/2020

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that the cause of death was due to cardiac arrest and therefore, the death cannot be linked to the accident. Consequently, it is urged, the award against the insurer (petitioner) is not sustainable.

3. We have perused the death summary report which is there on record as Annexure-P2. The same reveals that the deceased was on

his way from Meerut to Delhi. He met with a road accident. As a consequence whereof, he was referred to the concerned hospital. In the death summary report it is mentioned that the patient had received severe axonal head injury. The doctor has also noticed lacerated wound on head and arm.

4. It is not claimed by the petitioner that the deceased was carrying a head injury since prior to the accident.

5. In such circumstances, we do not find any merit in the submission that the death has no causal connection with the accident. Accordingly, the petition at the sustance of the insurer is dismissed.

(KANCHAN CHOUHAN)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)