

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6105 OF 2019
(@ SLP (CIVIL) NO.5107 OF 2018)

RANI KAUR & ORS. .. Appellant(s)

Versus

NEW INDIA ASSURANCE CO. LTD. & ORS. .. Respondent(s)

O R D E R

Leave granted.

The appellants preferred a claim seeking compensation under Section 166 of the Motor Vehicles Act, 1988 from the respondent Insurance Company. The appellants are the widow and the other family members of Gurdial Singh, aged 26 years, who died in a motor vehicular accident on 3rd September, 2016. By a judgment dated 06th November, 2013 (modified order dated 13.12.2013), the Motor Accident Claims Tribunal (MACT) awarded a compensation of Rs.12,83,544/- @ 7.5% interest per annum. The MACT computed the income of Gurdial Singh who was a driver at Rs.3,736/- per month. 50% of his monthly salary was added towards future prospects. The High Court reduced the compensation from Rs.12,83,544/- to Rs.10,24,000/- while considering the appeal filed by the Insurance Company. The High Court did not award any amount towards future prospects. In *National Insurance Company Limited versus Pranay Sethi* [(2017(16) SCC 680], this Court held that the claimants are entitled to an addition of

40% of the established income of the deceased towards future prospects where the deceased was below the age of 40 years.

The learned counsel for the Insurance Company submits that there is no evidence on record to prove the income of the deceased. The learned counsel for the petitioner fairly submits that the claimants did not produce any evidence to prove the monthly income of the deceased. However, taking into account the fact that deceased had a driving licence and even computing his monthly income on the basis of minimum wage, we are of the considered opinion that the MACT was right in adding the future prospects. The computation of future prospects @ 50% is, in any event, contrary to the judgment of this Court in *Pranay Sethi* (supra).

We set aside the judgment of the High Court and direct the compensation as awarded by the MACT to be paid to the claimants with a modification that instead of 50% in addition to the monthly income of the deceased, 40% has to be added to the monthly income while paying the compensation.

The appeal stands disposed of.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

New Delhi,
Dated: August 06, 2019

ITEM NO.21

COURT NO.10

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s).5107/2018

(Arising out of impugned final judgment and order dated 10-08-2017 in MACAP No. 1129/2013 passed by the High Court Of Delhi At New Delhi)

RANI KAUR & ORS.

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ORS.

Respondent(s)

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Date : 06-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Vikas Singh Jangra, AOR
Mr. Amit Kumar Pathak, Adv.

For Respondent(s) Mr. P.K. Seth, Adv.
Mr. Pankaj Seth, Adv.
Ms. Manjeet Chawla, AOR

Mr. Nitin Jain, Adv.
Ms. Anisha Jain, Adv.
Ms. Isha Jaiswal, Adv.
Mr. O.P. Chitkara, Adv.

Dr. (Mrs.) Vipin Gupta, AOR

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

Leave granted.

The appeal stands disposed of.

Pending application(s), if any, also stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

(The Signed Order is placed on the file)