

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 5182 OF 2017  
(Arising from SLP(C) No.5934/2016)

Neelamma

..Appellant

versus

R.Kumar and another

..Respondents

O R D E R

1. Leave granted.

2. This Court issued notice in this matter on 26.02.2016. A perusal of the proceedings conducted on 20.07.2016 reveals, that none had entered appearance on behalf of respondent nos. 1 and 2, despite service. Eventually, by a motion Bench order dated 02.03.2017, the name of respondent no.3 was ordered to be deleted from the array of respondents (at the request and risk of the appellant). On the last date of hearing, i.e., 29.03.2017, no one entered appearance on behalf of respondent nos. 1 and 2. Even today, no one is present on behalf of respondent nos. 1 and 2. In view of the above, respondent nos. 1 and 2 are ordered to be proceeded against ex-parte.

3. On the issue of determination of the compensation payable to the appellant, the High Court inter alia recorded the following conclusion:

"..On going through the same it is seen that the judgment rendered by the Apex Court, does not apply to the case on hand for the reason, in the instant case, there is no proof of avocation to deceased except Driving License which is produced in the

instant case. In that view of the matter, this Court find that the aforesaid judgment would not have any basis to the case on hand. Accordingly, this Court would notionally take the income at Rs.6000/- and since the claimants are parents 50% is the loss of dependency to them. Therefore, the claimants are entitled to compensation as under:

3000 x 12 x 13 which works out to Rs.4,68,000/-."

4. Learned counsel for the appellant vehemently contended, that the age of the deceased, at the time of the accident on 19.03.2011, was merely 23 years. And as such, the multiplier of 13 applied by the High Court was in complete derogation of the declared legal position by this Court in Sarla Verma vs. Delhi Transport Corporation (2009) 6 SCC 121. It was the further submission of the learned counsel for the appellant, that the multiplier of 13 applied by the High Court was even otherwise impermissible in law, as the High Court reduced the multiplier of 14 (applied by the Motor Accidents Claim Tribunal, Bangalore) to 13, without there having been any appeal at the hands of the respondents, and without recording any reasons for the same.

5. It was the submission of the learned counsel for the appellant, that the rightful multiplier to be applied in the facts and circumstances of the instant case, in terms of the judgment of this Court, referred to hereinabove, ought to have been 18. It was also the contention of the learned counsel, that there ought to have been in addition to the above, provision of at least 50 per cent increase in dependency, on account of future prospects.

6. We have given our thoughtful consideration to the submissions advanced at the hands of the learned counsel for the

appellant. We are satisfied, that the multiplier that needed to be applied in this case was 18, keeping in mind the age of the deceased at the time of the incident being 23 years. While reiterating the income of the deceased as Rs.6,000/- per month, and while applying the same deduction of 50 per cent on account of personal expenses, the compensation payable to the appellant had to be determined at the rate of Rs.3,000/- per month. In the above view of the matter, the appellant would be entitled to a sum of Rs.6,48,000/- (  $3000 \times 12 \times 18 = \text{Rs.}6,48,000/-$  ).

7. In addition to the above determination, we are of the view, that the appellant should also be entitled to compensation on account of future prospects, calculated at the rate of 30%, in the facts and circumstances of the case. Thus calculated, the compensation payable to the appellant on the instant score, along with the loss of dependency, ought to have been Rs.8,64,000/-. As against the amount already released to her on these two counts, the appellant would be entitled to an additional compensation of Rs.3,96,000/-.

8. We are also satisfied in directing, that the instant enhancement of Rs.3,96,000/- shall be released to the appellant forthwith. On the instant enhancement of compensation of Rs.3,96,000/-, the appellant would also be entitled to interest at the rate of 6% per annum. Since the incident occurred on 19.03.2011, the appellant would be entitled to interest for a period of six years. Thus calculated, the appellant would be entitled to interest of Rs.1,42,560/- (  $\text{Rs.}3,96,000 \times 6/100 \times 5 = \text{Rs.}1,42,560/-$  ).. Thus viewed, the appellant would be entitled to an

additional amount of Rs.5,38,560/- (Rs.3,96,000, on account of loss of dependency and future prospects + Rs.1,42,560/- on account of interest = Rs.5,38,560/-). We consider it just and appropriate to round off the same to Rs.5,50,000/-.

9. In view of the instant order passed by this Court, respondent no.2 - Reliance General Insurance Co. Limited is hereby directed to release the additional compensation of Rs.5,50,000/- to the appellant, without any further delay.

10. Disposed of in the aforesaid terms.

.....CJI  
[JAGDISH SINGH KHEHAR]

.....J.  
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;  
APRIL 12, 2017.

.....J.  
[SANJAY KISHAN KAUL]

ITEM NO.8

COURT NO.1

SECTION IVA

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(s) for Special Leave to Appeal (C) No(s). 5934/2016

(Arising out of impugned final judgment and order dated 20/07/2015  
in MFA No. 8811/2012 passed by the High Court Of Karnataka At  
Bangalore)

NEELAMMA

Petitioner(s)

VERSUS

R. KUMAR AND ANOTHER  
(with office report)

Respondent(s)

Date : 12/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SANJAY KISHAN KAULFor Petitioner(s) Mr. Pankaj Bala Varma, Adv.  
for Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s) NEMO

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

Leave granted.

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

(Renuka Sadana)  
Assistant Registrar(Parveen Kumar)  
AR-cum-PS

[signed order is placed on the file]