

ITEM NO.108

COURT NO.3

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

CIVIL APPEAL NO(s). 1242 OF 2007

A.SANTHA KUMARI

Appellant (s)

VERSUS

T.SETHUMADHAVAN & ANR.

Respondent(s)

(With prayer for interim relief)

Date: 22/02/2012

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI  
HON'BLE MR. JUSTICE DIPAK MISRA

For Appellant(s)

Mr. Shailesh Madiyal, Adv.  
Mr. Jagjit Singh Chhabra, Adv.

For Respondent(s)

Mr. M.K. Dua, Adv.  
Mr. Kishore Rawabdev, Adv.  
Mr. Dhiraj, Adv.

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

The appeal is disposed of in terms of the  
signed order leaving the parties to bear their  
own costs.

[KALYANI GUPTA]  
COURT MASTER

[INDU SATIJA]  
COURT MASTER

C.A. No. 1242 of 2007

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[SIGNED ORDER IS PLACED ON THE FILE.]

C.A. No. 1242 of 2007

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1242 OF 2007

A. SANTHA KUMARI

.....

APPELLANT

VERSUS

T. SETHUMADHAVAN & ANR.

.....

RESPONDENTS

O R D E R

1. We have heard the learned counsel for the parties.

2. In this matter, the High Court apportioned the amount of ` 1,68,000/- under the head "Loss of dependency" and ` 12,31,440/- towards "Loss to estate" in the ratio of 60 percent to mother and 40 per cent to the husband of the deceased. The rest of the amount awarded in a sum of ` 22,500/- under the conventional heads to be paid over to the husband.

3. Learned counsel for the appellant submitted that the daughter of the appellant A. Lakshmi died after 13 days of the marriage. Husband of the deceased is gainfully employed and the mother of the deceased, the appellant herein, has two grown up daughters to look after and she has no other source of income.

4. On consideration of the peculiar facts and  
C.A. No. 1242 of 2007

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circumstances of this case, in our considered view interest of justice would be served if out of the total amount of compensation as awarded by the High Court, 75 per cent is given to the mother and the remaining 25 per cent is given to the husband. We order accordingly.

5. It has been informed to us that the amount has already been deposited by the insurance company before the Executing Court. The parties would be at liberty to withdraw the amount forthwith.

6. With these observations and modification, this appeal is disposed of leaving the parties to bear their

own costs.

.....J  
[DALVEER BHANDARI]

NEW DELHI  
FEBRUARY 22, 2012.

.....J  
[DIPAK MISRA]