

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.1684 of 2023
(arising out of SLP(C) No(s). 9015/2016)

ARKESH JAIN (DEAD) THROUGH LRS. & ANR. Appellant(s)

VERSUS

MOHD. ISHRAR & ORS. Respondent(s)

O R D E R

Leave granted.

The appellants are before this Court seeking enhancement of the compensation as against the sum awarded through the judgment dated 23.12.2015 passed by the High Court of Delhi. Through the said judgment, the High Court had awarded a sum of Rs.3,86,640/- with interest at 7.5% per annum. Out of the said amount, towards the loss of dependency, the High Court had awarded a sum of Rs. 2,51,640/- and the remaining towards the conventional heads.

The only aspect for consideration in the instant appeal is the appropriate compensation towards loss of dependency.

In that regard, we note that the High Court, having relied upon the minimum wage notification, had

taken the notional income of the deceased at Rs.2,796/- per month.

In the instant case, the accident had occurred on 30.09.1999. During which period the deceased had passed her 12th Standard and was pursuing her education in the Commerce Stream. It is contended on behalf of the appellant(s) that the deceased was also undergoing Teacher's Training.

Be that as it may, considering the fact that the deceased was aged about 19 years at that stage, and also keeping in view the future prospects and the period during which the accident had occurred, it would be appropriate to reckon the notional income at Rs. 4,000/- per month. 40% of the said amount is awarded as future prospects, which will be in a sum of Rs.1,600/-. Hence, the total income would be in a sum of Rs.5,600/- per month. 50% of the said amount is deducted towards personal expenses, which would leave the amount towards loss of dependency per month at Rs.2,800/-. If, the same is taken on the annual basis and the appropriate multiplier of '18' is applied, the amount towards loss of dependency would be in a sum of Rs.6,04,800/-.

Hence, the enhancement of the compensation is quantified at Rs, 3,53,160/- payable with interest at 7.5% from the date of filing the claim petition before the Motor Accidents Claims Tribunal (for short 'MACT').

The enhanced compensation with interest thus calculated, shall be deposited by the Insurance Company before the MACT within a period of six weeks from the date of the receipt of a copy of this order, whereupon the MACT shall release the said enhanced compensation to appellant no.2 herein, who is the mother of the deceased.

Accordingly, the appeal is allowed in part.

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

.....J.
(A.S. BOPANNA)

.....J.
(HIMA KOHLI)

New Delhi
13th March, 2023

ITEM NO.37

COURT NO.12

SECTION XIV

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). 9015/2016

(Arising out of impugned final judgment and order dated 23-12-2015 in MACAP No. 339/2006 passed by the High Court Of Delhi At New Delhi)

ARKESH JAIN (DEAD) THROUGH LRS. & ANR. Petitioner(s)

VERSUS

MOHD. ISHRAR & ORS. Respondent(s)

Date : 13-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Anuj Jain, Adv.
Mr. Yash Pal Dhingra, AOR

For Respondent(s) Ms. Sakshi Kakkar, AOR
Mr. Sp Jain, Adv.

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

Leave granted.

The appeal is allowed in part in terms of the signed order.

Pending application(S), if any, shall stand disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR

(signed order is placed on the file)