

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 (CIVIL) Diary No(s). 13537/2026
[Arising out of impugned final judgment and order dated 04-11-2024
in MCA No. 574/2021 passed by the High Court of Kerala at
Ernakulam]

NITHEESH ABRAHAM & ANR.

Petitioner(s)

VERSUS

LIBERTY VIDEOCON GENERAL INSURANCE COMPANY LIMITED Respondent(s)

(IA No. 98344/2026 - CONDONATION OF DELAY IN FILING)

Date : 07-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Arsh Khan, AOR

For Respondent(s) :

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

1. Learned counsel for the petitioners submits that in view of the principle laid down in paragraph 61 in the case of "*National Insurance Co. Ltd. vs. Pranay Sethi*", reported in (2017) 16 SCC 680, future prospects had to be assessed at the rate of 15% and not 10% as was done by the Courts below. Further, the monthly income assessed by the High Court at Rs.12,500/- (Rupees Twelve Thousand Five Hundred) is on the lower side as against the petitioners' claim of Rs.21,000/- (Rupees Twenty One Thousand).
2. Delay condoned.
3. Issue notice, returnable on 11.05.2026.

4. Dasti service, in addition, is permitted. Let steps for service be taken within one week.

5. In the notice itself, let it be mentioned that respondent is required to file a counter affidavit and reply to the interlocutory application(s), if any, before the next date of listing.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)