

ITEM NO.7

COURT NO.9

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). 31400/2013

(Arising out of impugned final judgment and order dated 27/02/2013
in MFA No. 22943/2012 passed by the High Court Of Karnataka Circuit
Bench At Dharwad)

SUNITA & ORS.

Petitioner(s)

VERSUS

THE DIV.MGR.SHRI RAM GEN.INS.CO.LTD &ANR
(with office report)

Respondent(s)

Date : 08/12/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Gurudatta Ankolekar,Adv.
Mr. Anantha Narayan M.G.Adv.
Mr. Ankolekar Gurudatta,Adv.

For Respondent(s) Ms. Meenakshi Midha,Adv.
Mr. Chander Shekhar Ashri,Adv.

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.

(MADHU BALA)
COURT MASTER
(Signed order is placed on the file)

(ASHA SONI)
COURT MASTER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10852 OF 2014
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 31400 OF 2013)

SUNITA & ORS.

...APPELLANT(S)

VERSUS

THE DIV.MGR.SHRI RAM GEN.INS.CO.LTD &ANR

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and perused the relevant material.

Leave granted.

The challenge herein is against the order of the High Court modifying the award passed by the Motor Accidents Claim Tribunal in favour of the claimants. The High Court had reduced the award from Rs. 8,04,000/- to Rs.5,66,500/-by its impugned order by holding that the amount of Rs.4,00,000/- awarded for loss of consortium and loss of love and affection is not justified and that lesser amount on the aforesaid two heads would be appropriate and correct.

...2/-

We have noticed in the present case that the Tribunal and the High Court had proceeded on the basis that the notional income of the deceased was Rs.3,000/-. The deceased at the time of his death was working as a Barber. While it is correct that no evidence was brought on record in support of the claim of higher income of the deceased, we are of the view that a sum of Rs. 3,000/- taken as notional income was on the lower side and that the said income ought to have been computed at a higher amount. It will not be necessary for us to quantify the precise income of the deceased that we feel would be justified in the facts and circumstances of the case. It will be sufficient for the purpose of the present appeal to maintain the amount awarded by the learned Tribunal i.e. Rs.8,04,000/- by taking the notional income of the deceased at amount higher than what has been taken by the learned Tribunal, even if we are to interfere with the findings of the High Court on the amounts awarded for loss of consortium and loss of love and affection.

...3/-

In the result, we restore the amount of compensation awarded by the learned Tribunal and set aside the order of the High Court reducing the compensation on the grounds, as noticed above.

The appeal is disposed of in the above terms.

.....J.
[RANJAN GOGOI]

NEW DELHI
8TH DECEMBER, 2014

.....J.
[ROHINTON FALI NARIMAN]