

ITEM NO.46

COURT NO.14

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).617/2009

(From the judgement and order dated 22/04/2008 in FAO No. 2527/1996 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJASTHAN STATE ROAD TRANSPORT CORP.

Petitioner(s)

VERSUS

CHANDER KALA & ORS.
(With office report)

Respondent(s)

Date: 31/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. S.K. Bhattacharya,Adv.
Mr.Niraj Bobby Paonam,Adv.
Mr.Joydeep Mukharjee,Adv.

For Respondent(s) Mr.A.K.Raina,Adv.
Dr. Kailash Chand,Adv.
Mr. Rishi Malhotra ,Adv

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

Leave granted.

The appeal is allowed in terms of the signed order.

(KUSUM SYAL)
SR. P.A.

(RENU DIWAN)
COURT MASTER

(Signed Order is placed on the file)

2

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1140 OF 2011
Arising out of SLP(C)No.617 OF 2009)

RAJASTHAN STATE ROAD TRANSPORT CORP.

Appellant(s)

VERSUS

CHANDER KALA & ORS.

Respondent(s)

O R D E R

Leave granted.

We have considered the submissions of the counsel appearing for the parties. Our attention is drawn to the judgment and order passed by the Punjab & Haryana High Court, whereby the High Court has upheld the order of the Tribunal awarding Rs.11,40,000/- as compensation to the claimant - respondents herein. As a result of the accident, Nand Kishore Sharma, who was 37 years of age, died. His family, consisted of his wife and four children, who filed an application seeking for grant of compensation for the death of the deceased Nand Kishore Sharma claiming that his income was Rs.1 lakh per annum. The Tribunal, however, considered the evidence adduced by the parties and held that the annual income of the deceased was Rs.75,000/- per annum. The Tribunal also considered that the deceased was contributing Rs.60,000/- to the family. By using multiplier of 19 the Tribunal awarded Rs. 11,40,400/- as compensation to the claimants. The aforesaid award was upheld by the High Court in the impugned judgment and order dated 22.4.2008.

Counsel appearing for the appellant has pointed out that 1/3rd amount should have been deducted from the annual income of the deceased towards personal expenses of the deceased and multiplier of 19 which was used by the Tribunal and the High Court was also on the higher side.

Considering the facts and circumstances of this Case, we uphold the findings of the Tribunal as regards fixation and determination of annual income of the deceased at Rs.75,000 per annum. Out of the aforesaid amount, 1/3rd amount is required to be deducted towards the personal expenses of the deceased. Consequently, the total loss of income towards annual income of the deceased by the family should be considered at Rs.50,000 per annum. By following the ratio of various decision of this Court, we accept the multiplier of 16 as the proper multiplier which could be used herein and as provided for, in the

Schedule II of the Motor Vehicle Act. When the aforesaid amount of Rs.50,000/- is multiplied by the multiplier of 16, the amount which is arrived at is Rs.8 lakhs. Therefore, in the facts and circumstances of this case, we hold that the claimants would be entitled to the total compensation of Rs.8 lakhs. So far as interest is concerned, interest was awarded at Rs.12% p.a by the Tribunal and upheld by the High Court from

4

the date of filing of the respective claim petition till actual realization. In the facts of the present case, we find no reason to interfere with the said rate of interest awarded.

It shall be open to the appellant to realize the excess amount, if already paid to the claimants.

In terms of the aforesaid observations and directions, the appeal stands allowed to the aforesaid extent but without any costs.

.....J
(DR.MUKUNDAKAM SHARMA)

.....J
(ANIL R.DAVE)

NEW DELHI
January 31, 2011