

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2487/2007

(From the judgement and order dated 28/07/2006 in MFA No. 2636/2002
c/w MFA No. 3208/2002 of the HIGH COURT OF KARNATAKA AT
BANGALORE)

MAHADEV Petitioner(s)

VERSUS

SHIVAPPA & ANR. Respondent(s)

(FOR FINAL DISPOSAL)

Date: 17/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Ms. Kiran Suri,Adv.
Mr. S.J. Amith,Adv.

For Respondent(s) Mr. A.K. Raina,Adv.
Mr. Anil Kumar Jha,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The impugned order passed by the High Court is set aside and
the appeal is allowed in terms of the signed order. There shall,
however, be no order as to costs.

(A.S. BISHT)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2824 OF 2009
[Arising out of SLP(C) No. 2487/2007]

MAHADEV ... APPELLANT(S)

:VERSUS:

SHIVAPPA AND ANR. ... RESPONDENT(S)

ORDER

Leave granted.

The only issue which has been raised by the appellant-claimant before us is with regard to the quantum of compensation awarded towards future loss of income.

The Motor Accident Claims Tribunal observed that the appellant was between 30 to 35 years of age and as such the proper multiplier applicable would be 17 and taking his monthly income at Rs. 30,000/- per annum and applying the multiplier of 17, awarded a sum of Rs. 5,10,000/- towards future loss of income due to permanent disability.

The High Court in its judgment dated 28.7.2006 has, however, reduced the amount aforesaid, observing that though the annual income had been correctly capitalized at Rs.30,000/-, the multiplier of 15 should have been applied after deducting 1/3rd in view of the disability of 100%, the

-2-

amount would work out to Rs. 3 lakhs. The High Court accordingly substituted the amount of Rs. 3 lakhs as against Rs.5,10,000/- awarded by the Tribunal. This order of the High Court has been challenged in this appeal.

We are of the opinion that the observations of the High Court are not correct. We find that in the case of injury, as in the present case, a deduction of 1/3rd amount towards loss of income, which is usually given in cases of death, cannot be applied. It has also been fairly submitted before us by the learned counsel for the respondents that as the appellant - claimant was 30-35 years of age, the proper multiplier would be 17. If that be so, we find the order of the Tribunal to be correct.

We accordingly allow this appeal, set aside the impugned order passed by the High Court and direct that the amount of compensation shall be payable to the claimant in terms of the order passed by the Tribunal. There shall, however, be no order as to costs.

.....J
(HARJIT SINGH BEDI)

.....J
(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
APRIL 17, 2009.