

(*PART-HEARD
ITEM NO.2

COURT NO.4

SECTION IVA

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).2798/2009

(From the judgement and order dated 02/07/2008 in MFA No.6268/2003
of The HIGH COURT OF KARNATAKA AT BANGALORE)

ARSHADA BANU

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO.LTD.& ANR.

Respondent(s)

(With office report)
[For Final Disposal]

Date: 10/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Girish Ananthamurthy,Adv.
Ms. Vaijyanthi Girish,Adv.
Mr. P.P. Singh,Adv.

For Respondent(s)

Mr. Mohan Babu Agarwal,Adv.
Mr. Debasis Misra,Adv.

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

Leave granted.

The appeal is disposed of.

The parties to bear their own costs.

[Alka Dudeja]
Court Master

[Neeru Bala Vij]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8196 OF 2009
(Arising out of S.L.P. (C) No.2798 of 2009)

Arshada Banu

...Appellant(s)

Versus

New India Assurance Co. Ltd. & Anr.

...Respondent(s)

Leave granted.

This appeal is directed against the judgment of the High Court of Karnataka at Bangalore in Miscellaneous First Appeal No.6268 of 2003.

Brief facts, which are necessary to dispose of this appeal is recapitulated as under:

The appellant filed a claim petition in Motor Vehicle Case No.49 of 2000 against the respondents seeking compensation of Rupees ten lakhs for personal injuries said to have been sustained by her in motor vehicle accident that occurred at about 2.45 p.m. on 20th September, 1999, near Hampapura gate, Nagamangala raod, Mandya.

According to the appellant, the accident took place because of rash and negligent driving of the driver. As a result of the accident, there was amputation of her right hand above the elbow joint. The appellant remained in hospital for fifteen days and she had to spend huge amount towards medical expenses, transportation, attendant charges, nourishing food etc. It is further stated that she is a tailor, stitching

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ladies garments and earning about Rs.150/- per day. According to the order of the High Court, the appellant is entitled to a total compensation of Rs.1,84,000/- as against Rs.34,000/- awarded by the Tribunal. The High Court also awarded interest at the rate of eight per cent from the date of petition, till the date of realisation. The appellant, aggrieved by the impugned judgment of the High Court, preferred this appeal by way of special leave.

According to the appellant, the High Court has not properly computed the compensation amount. According to her, she was about 35 years of age at the time of accident and was earning Rs.3,000/- per month.

We have heard learned counsel for the parties and perused the documents on record. Looking to the fact that the appellant was working in a very small village and according to the evidence on record and other factors, we take that her annual income was Rs.18,000/- from tailoring. In the facts and circumstances of the case, we think that the proper multiplier should be sixteen. The High Court had granted Rs.84,000/- under the heading 'Loss of Service to the Family' vide para 17 of the impugned order. Therefore, in place of Rs.84,000/-, Rs.2,88,000/- has to be substituted under the heading 'Loss of earning capacity'. The award under other different headings except the amount calculated regarding the income of the appellant would remains the same.

With this modification, the appeal is disposed of.

The parties to bear their own costs.

.....J.
[DALVEER BHANDARI]

.....J.
[A.K. PATNAIK]

New Delhi,
December 10, 2009.