

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(arising out of SLP(C) No. 10322/2019)

NANAK CHAND (DEAD) THR. LRS. & ANR. ... APPELLANT(S)

Versus

DES RAJ & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

We are of the opinion that the High Court has erred in taking the notional pay of the deceased - Suraj Prakash, who was aged about 21 years, on his death on account of road accident on 17.02.2000 at Rs. 2,000/- per month.

Keeping in view the minimum wage as a skilled artisan, the monthly income of the deceased - Suraj Prakash should have been taken as Rs. 3,000/- per month. As the deceased - Suraj Prakash was unmarried and the appellants are the parents of the deceased, 50 % should be deducted on account of personal expenses. We have to also take into account future prospects @ 40%. Multiplier in the present case would be 18.

On the aforesaid basis, the total compensation payable on account of loss of dependency would be Rs.4,53,600/- (Rupees Four Lakh Fifty Three Thousand and Six Hundred Only). To the above amount, we would add compensation, on account of conventional

heads, of Rs. 70,000/- (Rupees Seventy Thousand Only).

The total amount due and payable to the appellants, therefore, would be Rs. 5,23,600/- (Rupees Five Lakh Twenty Three Thousand and Six Hundred Only).

The unpaid enhanced compensation would be paid within a period of three months from today along with interest @ 7% per annum. Interest would be payable from the date of filing of the claim petition till actual payment. The enhanced amount paid would be converted into a Fixed Deposit Receipt by the appellants for a period of three years. In case the appellants are senior citizens, they would also have an option to get the same converted into senior citizen scheme to earn interest. Interest on the enhanced compensation would be disbursed to the appellants. The principal amount would be paid after a period of three years or five years, as the case may be. Photocopy of the fixed deposit receipt/deposit in the senior citizen scheme would be filed before the trial court. The appeal is allowed in the aforesaid terms. There would be no order as to costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
SEPTEMBER 13, 2022.

ITEM NO.11

COURT NO.12

SECTION IV-B

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). 10322/2019

(Arising out of impugned final judgment and order dated 25-10-2018 in FAO No. 2124/2002 passed by the High Court Of Punjab & Haryana At Chandigarh)

NANAK CHAND (DEAD) THR. LRS. & ANR. Petitioner(s)

VERSUS

DES RAJ & ORS. Respondent(s)

([MACT MATTER])

Date : 13-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Rizwan Ahmad, Adv.
Mr. Chand Qureshi, AOR
Mr. Atul Bhojane, Adv.
Mr. Chandan Kumar Mandal, Adv.
Dr. Ramkishor C, Adv.
Mr. Firdouse C.P., Adv.
Mr. Waseem Akhtar Khan, Adv.

For Respondent(s) Mr. Ambhoj Kumar Sinha, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

[Signed Order is placed on the file]