

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3540 OF 2017
(@ SPECIAL LEAVE PETITION (C) NO.10066 OF 2016)

SUGAN KANWAR AND ORS.

APPELLANT (s)

VERSUS

BHINYA RAM AND ORS.

RESPONDENT (s)

O R D E R

1. Heard the learned counsel for the parties.
2. Leave granted.
3. The appellants have come up for enhancement of the compensation awarded by the Trial Court. The High Court has enhanced it by one lakh. Dissatisfied with the same, the appeal has been preferred by the claimants.
4. Lalaram died in an accident on 31.05.1995, when the vehicle - Jeep RJ 21C 1253 in which he was travelling met with an accident with a truck No. RJ 19G 4170. Hemaram also died. Three other passengers who were travelling also suffered grievous injuries. An FIR was lodged.
5. On a claim petition filed for compensation before the Motor Accident Claims Tribunal, Merta City, Rajasthan, a sum of Rs. 3,10,000/- was awarded along with an interest @ 12% per annum from the date of filing the petition till

realisation.

6. The High Court enhanced the compensation by a further sum of Rs.1,00,000/- without assessing compensation as per the yardstick settled by this Court in a number of decisions.

Hence, this appeal by way of Special Leave Petition.

7. We have heard the learned counsel for the parties at length.

8. In our opinion, the deduction of pension which has been made by the High Court was impermissible. The salary of the deceased was Rs.7,600/-. He died at the age of 45 years. Considering the same, 30% of his income for future prospects was also required to be added, as per the decision of this Court in the case of Sarla Verma & Ors. v. Delhi Transport Corporation & Anr [(2009) 6 SCC 121]. Accordingly, if we add 30% of his income (30% of 7600) i.e. Rs.2300/- approximately, in his salary and the figure comes to Rs. 9900/-. Hence, we deem it proper to assess the income of the deceased @ Rs.10,000/- per month. As the deceased had been survived by five children and widow, in the facts and circumstances of the case, it would be appropriate to deduct a sum of Rs.2,000/- only towards self-expenditure of the deceased (i.e. 10,000-2000 = 8000). Taking the monthly dependency at Rs.8,000/- p.m. and Rs.

96,000/- per annum and then applying the multiplier of 15 as laid down by the Court in Sarla Verma's case(supra), the compensation amount on account of dependency, comes to Rs. 14,40,000/-. In addition, an amount of Rs. 2,50,000/- is granted for loss of love and affection, funeral expenses and loss of estate. For loss of consortium, a sum of Rs. 50,000/- is also granted to the widow of the deceased. Total compensation comes to Rs. 17,40,000/-. (Rupees Seventeen Lakh Forty Thousand only)

6. The enhanced amount of compensation awarded to be paid along with an interest @ 7.5% from the date of filing of the application till the date of realization after deducting the amount already paid/deposited, within a period of 3 months from today.

7. The appeal is allowed to the aforesaid extent.

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
MARCH 2, 2017.

ITEM NO.9

COURT NO.12

SECTION XV

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). 10066/2016

(Arising out of impugned final judgment and order dated 25/08/2015 in SBCMA No. 164/1999 passed by the High Court Of Rajasthan at Jodhpur)

SUGAN KANWAR AND ORS.

Petitioner(s)

VERSUS

BHINYA RAM AND ORS.
(With Office Report)

Respondent(s)

Date : 02/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Mrinmay Bhattmewara, Adv.
Mr. A.P.S. Jadann, Adv.
Mr. Sanjay Kumar Tyagi, Adv.

For Respondent(s) Mr. Rohit K. Sinha, Adv.
Mr. Sanjay Kumar Singh, Adv.
Ms. Pratiksha Sharma, Adv.

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.

(B.Parvathi)
Court Master

(Tapan Kr. Chakraborty)
Court Master

(Signed order is placed on the file)