

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C)No.7100/2023)

AMRIT JAIN & ORS.

... APPELLANT(S)

Versus

**ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD. & ORS.**

... RESPONDENT(S)

ORDER

Time taken for
disposal of the
original claim
petition

Time taken for
disposal of the
appeal by the
High Court

Time taken for
disposal of the
appeal in this
Court

6 years 7months

6 years 7 months

1 year 11 months

Leave granted.

2. We have considered the submissions made by Mr. Vishnu Mehra, learned Senior counsel, who appears on behalf of the respondent-insurer. Appreciably he has assisted the Court with all fairness and

candidness. He has also invited our attention to the response affidavit filed by the insurer.

3. On 7th October, 2008, Shri Rajender Kumar Jain @ Shri Rajender Kumar Lodha and his wife Smt. Suman Devi Jain died as a result of a motor vehicle accident. Their children, four in number being claimants- aged between 12 to 18 years, instituted an application seeking compensation under the provisions of Section 166 of the Motor Vehicles Act, 1988. Such claim petition instituted on 17th June, 2009 stood decided by the learned District Judge, Bokaro vide order dated 28th January, 2016. The Tribunal in the case of the deceased father awarded compensation of a sum of Rs.34,69,800/- which, however, was reduced by the High Court to a sum of Rs.28,72,046/-. In the case of the deceased mother, the Tribunal awarded compensation for a sum of Rs.48,99,375/- which stands reduced by the High Court to Rs.37,23,880/-.

4. Certain facts are not in dispute. **(a)** the parents of the claimants died as a result of a motor vehicle accident which took place on 7th October, 2008; **(b)** the claimants being four in number are the dependents; **(c)** that they alone are entitled for compensation; and **(d)** the liability is that of the insurer.

5. In the response affidavit, respondents have furnished information

indicating the head of the claims and the compensation, which the insurer genuinely assesses to be fairly awarded.

6. In the case of death of the father Shri Rajender Kumar Jain, the compensation suggested by the insurer, as against the claim set up, is as under :

Rajendra Kumar Jain - 48 years [Father]		
Head	Compensation Claimed by Petitioners in SLP	Reply of ICICI Lombard GIC
Income	Rs.3,25,032/- (gross income) minus Rs.23,600/- (tax) = Rs.3,01,432/-	Rs.3,25,032/- (gross income) minus Rs. 23,600/- (tax) = Rs.3,01,432/-
Income after adding future prospects	Rs.3,76,790/- [25% future prospects)	Rs.3,76,790/- [25% future prospects)
Income after deduction of personal expenses (1/4th).	Rs.2,82,592/-	Rs.2,82,592/-
Multiplier	13	13
Income after applying the multiplier	Rs.2,82,592/- x 13 = Rs.36,73,703/-	Rs.2,82,592/- x 13 = Rs.36,73,703/-
Loss of love and affection	Rs.50,000 x 4 = Rs.2,00,000/-	Not payable separately. Part of parental consortium. As per the law laid down in the case of United India Insurance Vs. Satinder Kaur (2021) 11 SCC 780
Funeral Expenses	Rs.25,000/-	Rs.20,000/- as per the law laid down in National Insurance Co. Ltd. Vs. Pranay

		Sethi Judgment (2017) 16 SCC 680
Loss of parental Consortium	Rs.44,000/- x 4 = Rs.1,76,000/-	Rs.44,000/- x 4 = Rs.1,76,000/- as per the law laid down in Pranay Sethi (supra)
Loss of estate	Rs.25,000/-	Rs.20,000/- as per the law laid down in Pranay Sethi (supra)
Total	Rs.40,99,703/-	Rs.38,89,696/-
Interest	12%	7.5% as per the decision in the case of Rojalini Nayak & Ors. Vs. Ajit Sahoo & Ors.

7. In case of death of the Mother, Smt. Suman Devi (age 40 years), the compensation suggested by the insurer, as against the claim set up, is as under:-

Suman Devi - 40 years [Mother]		
Head	Compensation Claimed by Petitioners in SLP	Reply of ICICI Lombard GIC
Income	Rs.2,86,714/- (gross income) minus Rs.23,750/- (tax) = Rs.2,62,964/-	Rs.2,86,714/- (gross income) minus Rs. 23,750/- (tax) = Rs.2,62,964/-
Income after adding future prospects	Rs.3,28,705/- [25% future prospects)	Rs.3,28,705/- [25% future prospects)
Income after deduction of personal expenses (1/4th)	Rs.2,46,528/-	Rs.2,46,528/-

Multiplier	15	15
Income after applying the multiplier	Rs.2,46,528/- x 15 = Rs.36,97,931/-	Rs.2,46,528/- x 15 = Rs.36,97,931/-
Loss of love and affection	Rs.50,000 x 4 = Rs.2,00,000/-	Not payable separately. Part of parental consortium. As per the law laid down in the case of United India Insurance Vs. Satinder Kaur (2021) 11 SCC 780
Funeral Expenses	Rs.25,000/-	Rs.20,000/- as per the law laid down in National Insurance Co. Ltd. Vs. Pranay Sethi Judgment (2017) 16 SCC 680
Loss of parental Consortium	Rs.50,000/- x 4 = Rs.2,00,000/-	Rs.44,000/- x 4 = Rs.1,76,000/- as per the law laid down in Pranay Sethi (supra)
Loss of estate	Rs.25,000/-	Rs.20,000/- as per the law laid down in Pranay Sethi (supra)
Total	Rs.41,23,931/-	Rs.39,13,920/-
Interest	12%	7.5% as per the decision in the case of Rojalini Nayak & Ors. Vs. Ajit Sahoo & Ors.

8. Having given thoughtful consideration to the submissions made across the Bar, we are of the considered view that the compensation now suggested by the insurer appears to be just, fair and reasonable. Thus, in our considered view, the amount awarded by the Tribunal and the judgment and order dated 1st November, 2022 passed by the

High Court of Jharkhand at Ranchi, requires to be modified, which is so done, with the claimants being entitled to a sum of Rs.38,89,696/- in the case of the deceased father and a sum of Rs.39,13,920/- in the case of the deceased mother, along with interest @ 7.5 per cent.

9. The final computation of compensation would be thus:-

Compensation awarded by the Tribunal	Compensation awarded by the High Court	Compensation awarded by this Court
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In the case of deceased father Shri Rajender Kumar Jain

Rs.34,69,800/-	Rs.28,72,046/-	Rs.38,89,696/-
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In the case of deceased mother Smt. Suman Devi

Rs.48,99,375/-	Rs.37,23,880/-	Rs.39,13,920/-
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10. Interest payable is @ 7.5%.

11. The appeal is allowed in the aforesaid terms.

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

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

New Delhi;
3rd February, 2025.

ITEM NO.305

COURT NO.16

SECTION XVII

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). 7100/2023

[Arising out of impugned final judgment and order dated 01-11-2022 in MA No. 192/2016 passed by the High Court of Jharkhand at Ranchi]

AMRIT JAIN & ORS.

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD. & ORS. Respondent(s)

Date : 03-02-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Devashish Bharuka, Sr. Adv.
Mr. Ravi Bharuka, AOR
Ms. Sarvshree, Adv.
Mr. Rohit Agarwal, Adv.

For Respondent(s) Mr. Vishnu Mehra, Sr. Adv.
Mr. Gautam Jha, Adv.
Mr. Rahul Negi, Adv.
Ms. Manjeet Chawla, 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.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)

(Signed order is placed on the file)