

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NO. 840 OF 2025**  
**(Arising out of SLP (C) No. 18550 of 2023)**

**SHAILAJA & ORS.**

**... APPELLANTS**

**VERSUS**

**PAVAN B. UDUPUDI & ANR.**

**... RESPONDENTS**

**O R D E R**

1. Leave granted.

2. Challenging the adequacy of compensation in a case of death of Mr. Ravindra Jainapur aged 51 years who was an advocate by profession and having 3 acres of agricultural land, the present appeal has been filed. After perusal of the award passed by the Motor Accident Claims Tribunal, the compensation was enhanced by the High Court. The High Court considered the income of the deceased at Rs.12,000/-, added 10% towards future prospects and after deducting 1/4<sup>th</sup> of his income and by applying the multiplier of 11 awarded compensation of Rs.13,06,800/- towards loss of dependency and further awarded towards loss of consortium and love and

affection a sum of Rs.2,40,000/- to six dependent persons (Rs,40,000/- each) and Rs.30,000/- towards loss of estate and funeral expenses which in total is Rs.15,76,800/-.

3. Learned counsel for the appellant has strenuously urged that the deceased was an Advocate having 17 years of standing at the Bar and the income as determined at Rs.12,000/- per month is on the lower side. It is further urged that no compensation has been awarded for loss of the supervision charges for maintenance of agricultural land which would necessarily result in loss of earning to the family. Therefore, the compensation under the head of loss of dependency and other heads is inadequate which may be adequately enhanced.

4. Learned counsel appearing for the Insurance Company submits that in case of non-income tax payee, the earning as accepted by the High Court, at Rs.12,000/- appears to be just and the land is retained with the family and as such there is no loss of income. Therefore, the compensation as awarded by the High Court by enhancing the amount is justified.

5. Having considered the submissions made by the learned counsel for the parties and by taking into consideration the

date of accident was on 11.05.2012, the ceiling limit of the income tax at the relevant point of time was Rs.1,80,000/- the income of the deceased from profession is accordingly taken or in other words we accept the income of the deceased from profession to said extent as he was an advocate with 17 years of standing. Absence of income proof cannot be a ground to deny just and reasonable compensation, particularly when there is no dispute that deceased was having a standing of 17 years at the Bar. The Courts below concurrently has accepted that deceased owned around 3 acres of agricultural land as evident from Ex.P.W-13 and 14 and yet was not persuaded to construe the income generated from the agricultural operations, for reasons best known. To maintain the said agricultural land and carry on the operations, the claimants have to necessarily expend an amount and Rs.3,000/- per acre and same would be required to be spent for carrying on the agricultural operations or in other words at least a sum of Rs.10,000/- per month will have to be paid towards supervision charges for maintaining 3 acres of agricultural land, necessarily this amount has to be construed as the loss of income to the dependents of the deceased. The supervision charges which claimants will have to spend would be Rs.10,000/- per month

(Rs.1,20,000/- per year). Hence total earning of the deceased comes to Rs.3,00,000/- per year. If we add 10% towards future prospects, the annual income comes to Rs.3,30,000/-. Taking note of the number of dependents, if we deduct 1/4<sup>th</sup>, the amount would be Rs.2,47,500/- per year. Corresponding to the age of the deceased (51 years), multiplier of 11 would be applicable. Thus, the amount of compensation to which claimants would be entitled towards loss of income would be Rs.27,22,500/- (2,47,500 X 11). If we further add Rs.2,40,000/- towards loss of love and affection and filial compensation and Rs.75,000/- under the head of transportation of dead body and funeral expenses, total amount of compensation to which claimants would be entitled to would be Rs. 30,37,500/-. After deducting the amount of compensation awarded by the High Court i.e., Rs.15,76,800/- the enhanced compensation payable would be Rs. 14,60,700/-.

6. Accordingly, the Appeal is allowed enhancing the amount of compensation by Rs.14,60,700 i.e., in addition to the amount awarded by the High Court.

7. The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim petition till deposit or

realization whichever is earlier.

8. Pending applications, if any, stand disposed of.

....., J.  
[J.K. MAHESHWARI]

....., J.  
[ARAVIND KUMAR]

New Delhi;  
January 20, 2025.

ITEM NO.34

COURT NO.7

SECTION IV-A

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). 18550/2023

[Arising out of impugned final judgment and order dated 25-03-2021 in MFA No. 22986/2013 passed by the High Court of Karnataka Circuit Bench at Dharwad]

SHAILAJA & ORS.

Petitioner(s)

VERSUS

PAVAN B UDUPUDI & ANR.

Respondent(s)

Date : 20-01-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Ms. Supreeta Sharanagouda, AOR  
Mr. Sharanagouda Patil, Adv.  
Mrs. Supreeta Sharanagouda, Adv.  
Mr. Jyotish Pandey, Adv.

For Respondent(s) : Mr. Rajeev Maheshwaranand Roy, AOR

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(NAND KISHOR)  
COURT MASTER

(Signed order is placed on the file)