

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.9188/2022
(@SPECIAL LEAVE PETITION (C) NO.12692/2022)

CHINNAPPAN & ORS.

Appellant(s)

VERSUS

TAMIL NADU STATE TRANSPORT CORPORATION LIMITED

Respondent(s)

O R D E R

1. Leave granted.
2. The appellants are the legal heirs of deceased (Bernath), who was 37 years old and was working as a Sweeper at A.R.C. Construction Company, when she, unfortunately, met with a road accident on 11-08-2008. The Bus belonging to the respondent - Corporation bearing Registration Number TN-32-N-2304 was allegedly being driven in a rash and negligent manner. The deceased suffered vital injuries and died on the spot.
3. The appellants, being dependents of the deceased, filed a Claim Petition under the Motor Vehicles Act, 1988
4. The Motor Accident Claims Tribunal granted the appellants a total compensation of Rs.9,95,000/-.
5. Aggrieved appellants filed an appeal before the High Court for enhancement of compensation but vide impugned judgment, the said Court has dismissed their appeal.
6. We have heard learned counsel appearing for the parties and gone through the material placed on record.

7. In view of the Constitution Bench's judgment of this Court in "National Insurance Company Limited vs. Pranay Sethi & Ors. (2017) 16 SCC 680, the appellants are undoubtedly entitled to additional compensation towards future prospects @ 40% of the assessed income but the same has, however, not been awarded by the Tribunal or by the High Court. Similarly, the appellants are entitled to a sum of Rs.40,000/- for loss of consortium, Rs.15,000/- as loss of estate as also Rs.15,000/- towards funeral expenses. In addition, the appellants are entitled to interest @ 7.5% p.a. from the date of filing of the Claim Petition till its actual realization.
8. The Motor Accident Claims Tribunal, XV Additional Judge City Civil Court, Chennai is, accordingly, directed to re-calculate the amount of compensation within a period of one month from the date of receipt of a copy of this order.
9. The Respondent - Corporation shall deposit the additional amount of compensation, as awarded above, within a period of one month thereafter, which shall then be immediately disbursed to the appellants.
10. Appeal stands allowed in the above-terms.

.....J
(SURYA KANT)

.....J
(J.B. PARDIWALA)

NEW DELHI;
13TH DECEMBER, 2022.

ITEM NO.52

COURT NO.11

SECTION XII

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

SPECIAL LEAVE PETITION (C) NO.12692/2022

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TAMIL NADU STATE TRANSPORT CORPORATION LIMITED

Respondent(s)

Date : 13-12-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s)

Ms. G. Indira, AOR

For Respondent(s)

Mr. D.Kumanan, AOR

Mr. Sheikh F. Kalia, Adv.

Ms. Racheeta Chwla, Adv.

Mr. Divya Singh, Adv.

Ms. Bano Deswal, Adv.

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

Leave granted.

Appeal stands allowed, in terms of the signed Order.

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(Signed Order is placed on the file)

(PREETHI T.C.)

COURT MASTER (NSH)