



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

CIVIL APPEAL NO. 5224 OF 2024

RANI @ RAJ KUMARI AND OTHERS

...APPELLANT(S)

VERSUS

KAMLAKAT GUPTA AND OTHERS

...RESPONDENT(S)

J U D G M E N T

N.V. ANJARIA, J.

Seven Appellants - the original claimants have filed this Appeal against judgment and award of the Allahabad High Court in First Appeal from order no. 1493 of 2013, seeking enhancement in the compensation in respect of death of 33 years old Sobran Singh, who died in a vehicular accident.

1.1. Appellant No. 1 is the widow of the deceased whereas Appellant Nos. 2, 3, 4 and 5 are the three

minor daughters and minor son of the deceased respectively, appellant No. 6 is the father, and appellant No. 7 is the mother of the deceased.

2. The High Court allowed the appeal of the claimants enhancing the total compensation from Rs. 7,28,500/- to Rs. 9,20,500/- with interest at 7%, which was awarded by the Motor Accident Claims Tribunal. Contending that the amount of compensation is required to be further enhanced, it was pleaded before this Court that the High Court committed an error in awarding only Rs. 70,000/- towards non-pecuniary heads, further erred in applying the multiplier of 15 instead of 17 and erred also in not awarding the due compensation in respect of other conventional heads.

3. On the fateful day, that is on 02.09.2009, when the accident occurred, the said Sobran Singh was going to his home Kot from Jhansi on his motorcycle bearing registration No. U.P.-93-K-4069. At around 7 p.m., the motorcyclist Sobran Singh had reached near the bridge ahead of village Bhojla. At that time a Jeep Gypsy bearing No. UP-93-Q-6471 came from the opposite direction. The said vehicle was stated to be driven in rash and negligent manner. It dashed with the motorcycle. As a result of the accident, Sobran Singh sustained grievous injuries on his head and legs.

3.1. Sobran Singh was taken to the Medical College, Jhansi for the treatment. From the Jhansi Medical College, he was shifted to the Gwalior Hospital. While being treated at the Gwalior Hospital on 10.09.2009, he succumbed to injuries, after 8 days of the accident.

3.2. At the time of the accident, the deceased was 33 years of age and was working in a Rajaram Stone Crusher. His case was that he was earning Rs. 6000/- per month from the crusher company. His further case was that he owned agricultural field admeasuring 3-1/2 Bighas and that 20 Bighas of land was given to him in the family division and that in the said land, he used to engage in farming. According to the appellants' case, the deceased had an income of Rs. 10,000/- per month from the farming activity in addition to Rs. 6,000/- per month which he had been receiving as salary for his crusher related job.

3.3. By filing Motor Accidents Claims Petition No. 668 of 2009 under Section 166 of Motor Vehicle Act, 1988, the widow of the deceased and other claimants prayed for compensation of Rs. 26,10,000/-. The Motor Accident Case Tribunal, Jhansi (hereinafter referred to as the 'Tribunal') proceeded to adjudicate the compensation after

framing the issues. The issue whether the offending vehicle Gypsy jeep was being driven with negligence and carelessness, and accordingly it hit the motorcycle, was answered in positive in favour of the claimants. It was recorded that the Gypsy driver possessed a valid license on the date of the accident.

3.4. On the basis of the evidence considered by the Tribunal the total compensation which came to be awarded was Rs. 7,28,500/- with 6% interest from the date of filing of application till payment. The Tribunal took the monthly income of the deceased to be Rs. 4,500/- and determined the total compensation awarding amounts under different heads as under,

Monthly Income	Rs. 4,500/-
Future Prospects	Not considered
Deduction for Personal Expenses	1/4 th (Rs. 1,125/-)
Annual Income	Rs. 40,500/-
Multiplier Applied	17 (age taken as 33 yrs)
Loss of Dependency	Rs. 6,88,500/-
Treatment Expenses	Rs. 10,000/-
Funeral Expenses	Rs. 5,000/-
Loss of Marital/Companionship	Rs. 25,000/-

Non-Pecuniary Heads (Consortium, etc.)	Rs. 40,000/- (approx. combined)
Loss of Estate	-
Interest	6%
Total Compensation	Rs. 7,28,500/-

3.5. The High Court while upward revising the compensation to total Rs. 9,20,500/- with 7% interest, added 40% towards future prospects to arrive at the total annual income at Rs. 56,700/- after deducting 1/4th amount towards personal expenses. While the Tribunal had taken the multiplier of 17, the High Court adopted the multiplier of 15. The High Court enhanced the amount under the head of loss of dependency from Rs. 6,88,500/- which was awarded by Tribunal to Rs. 8,50,500/-. The High Court thereafter granted fixed amount of Rs. 70,000/- towards non-pecuniary heads of consortium, etc.

4. Heard learned advocate Ms. Sweta Rani for the claimants and learned advocate Mr. Manjeet Chawla for respondent no. 1.

5. Having considered the facts pleaded and the evidence led before the Tribunal and after hearing the parties, it is to be observed that the case of the claimants that the deceased had been earning Rs. 6,000/- in respect of his job at the crusher unit

company was supported by documents no. 26C2/1, 26C2/2 and 26C2/15 which were *Khatauni* and a certificate issued by the Rajaram Stone Crusher where the deceased was employed. It was stated in the certificate that the deceased Sobran Singh was given field work and the salary paid to him was Rs. 6,000/- per month.

5.1. Although the Tribunal and the High Court took the view that the Certificate was not supported with other proof and was not liable therefore to be accepted at its face value, there is no gainsaying that the Certificate and the *Khatauni* were issued by the employer-Stone Crusher Company. It is reasonable to accept that the deceased was getting Rs. 6,000/- as monthly salary from the stone crusher company, for, it is normal to expect that a person employed in this stone crusher unit would earn Rs. 6,000/- every month.

5.2. It was the further case of the claimants that the deceased had also a sizable income, claimed to be Rs. 10,000/- per month, from the farming activity and the field work carried out by him at the family land belonging to them. The factum of the deceased working in his farm and earning therefrom is not controverted as such. Therefore, even if the direct evidence regarding exact amount of income had not come on record, the deceased could be presumed to

have some income from the agricultural activity in the said land. Therefore, it is proper to grant addition of Rs. 2,000/- towards income from farming activity for the purpose of assessing compensation. It could be concluded for the purpose of assessing compensation that the deceased was able to earn total income of Rs. 8,000/- per month.

5.3. The deceased was in the age group of 30 to 35 years. As laid down in ***National Insurance Company Limited vs. Pranay Sethi & Others***¹, it would be proper to apply multiplier of Rs. 16, as against 17 adopted by the Tribunal and 15 taken by the High Court. There are in all 7 dependants of the deceased which would require deduction of 1/5th amount towards personal expenses instead of 1/4th deduction applied by the Tribunal as well as the High Court. After adding 40% towards future prospects and applying other parameters as above, the annual income of the deceased could be placed at Rs. 60,480/- and multiplying the same by multiplier 16, the amount comes to Rs. 9,67,680/-. The expenses towards treatment could be awarded at Rs. 25,000/-.

5.4. It is conspicuous to notice that the Motor Accident Tribunal as well as the High Court both

¹ (2017) 16 SCC 680

erred and misdirected themselves in respect of the award of amount of consortium. The Tribunal granted Rs. 4,000/- as lump sum towards non-pecuniary heads and the High Court enhanced it to lump sum Rs. 70,000/-. A proper amount under the head of consortium is required to be awarded.

5.5. The claimants should be further entitled to consortium amount Rs. 40,000/- each towards filial consortium, spousal consortium and in respect of parental consortium of the children, who are 4 in number. Therefore, Rs. 2,80,000/- would be awardable to each of the claimants as stated above towards consortium. Funeral expenses would be awardable at Rs. 15,000/-.

5.6. The total compensation arrived at as above would be a just compensation in the facts of the case. Translated in the tabular form, the total compensation payable to the claimants would be as under,

Monthly Income	Rs. 8,000/-
Future Prospects	40% = Rs. 3200/- Rs. 11,200 /-
Deduction for Personal Expenses	11,200 x 12= 1,34,400/- 1/5 th = 26,880/- Rs. 1,07,520/-
Annual Income	1,07,520/-

Multiplier Applied	16 (age taken as 35 years)
Loss of Dependency	17,20,320/-
Treatment Expenses	25,000/-
Funeral Expenses	15,000/-
Loss of Marital/Companionship	-
Non-Pecuniary Heads (Consortium, etc.)	Spousal Consortium- 40,000/- Parental Consortium- 40000 x 4= 1,60,000/- Filial Consortium - 40,000 x 2= 80,000/- Total = 2,80,000/-
Loss of Estate	15,000/-
Interest	7%
Total Compensation	Rs. 20,55,320/-

6. In view of above, the claimants are held entitled to the additional compensation of Rs. 11,34,820/- with interest at 7% from the date of filing of claim petition till the payment. The respondent no. 2 insurance company is directed to deposit the aforesaid additional compensation Rs. 11,34,820/- with interest at 7% within 8 weeks from today with the Tribunal concerned.

6.1. Above compensation shall be disbursed in favour of the seven claimants in the same proportion as directed by the Tribunal, namely out of the total additional amount awarded except the loss of consortium, 75% shall go to claimant Nos. 1 to 5 who are the widow and the children – now major in age in equal proportion and the remainder 25% in equal proportion shall be disbursed in favour of the parents who are claimants Nos. 6 and 7. The loss of consortium shall be disbursed @ Rs. 40,000/- to each of the claimants. The payment shall be made after undergoing the process of verification and by transferring the amount payable to each of the claimants directly in their respective bank accounts.

7. The judgment and award of the High Court stand modified accordingly. The present appeal is allowed in the aforesaid terms.

All the interlocutory applications, if pending, shall not survive in view of the disposal of the appeal.

.....,J.
[K. VINOD CHANDRAN]

.....,J.
[N.V. ANJARIA]

NEW DELHI;
December 5, 2025.
(JS)