

Shri Ram General Insurance Co. Ltd. vs Bhagat Singh Rawat on 27 March, 2023

Bench: Sanjay Kishan Kaul, Aravind Kumar

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2410-2412/2023

[@ SLP [C] NOS.11669-11671/2020]

SHRI RAM GENERAL INSURANCE CO. LTD.

Appellant(s)

VERSUS

BHAGAT SINGH RAWAT & ORS.

Respondent(s)

WITH

SLP(C) Nos.1185-1186/2021 (XIV)

O R D E R

Leave granted.

Heard learned counsel for parties. The notice in terms of the order dated 13.10.2020 was confined only to two aspects i.e. the sum for loss of love and affection being Rs.50,000/- and for loss of consortium for Rs.40,000/- could not have been granted to each of the three dependents separately but in toto and that would be the amount quantified. This was in terms of the judgment in National Insurance Company Ltd. v. Pranay Sethi & Ors. - (2017) 16 SCC 680.

We have heard learned counsel for parties. Learned counsel for the respondents did endeavour to persuade us that it should be per the legal heir by relying on Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors. - 2018 SCC OnLine SC 1546.

We are, however, of the view that the total amount has to be assigned under a particular heading and that will go depending on the number of legal heirs present.

The amounts fixed in terms of Pranay Sethi's case (supra) are Rs.50,000/- and Rs.40,000/- respectively under the two heads and that should be the total amount payable.

Having said so, learned counsel for the respondent points out that this amount so determined by us is liable to be enhanced by a percentage of 10 per cent every three years as opined in para 61

(viii) of the judgment in Pranay Sethi's case (supra) which reads as under:

"61(viii) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/- Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years." The aforesaid position is not disputed by learned counsel for the appellant. Thus, this escalation on account of interest would also to be admissible for the benefit of the respondents from the date of the Award which will mean that in the present case there will be two escalations of 10 per cent each. The impugned judgment is modified to the aforesaid extent.

The appellant to deposit the balance amount within four weeks from today with the Tribunal. The appeals stand allowed.

SLP(C) No. 1185-1186/2021 We are not inclined to interfere with the impugned order(s) on ground raised. The Special Leave Petitions are dismissed.

..... J. [SANJAY KISHAN KAUL]
..... J. [ARAVIND KUMAR] NEW DELHI;

MARCH 27, 2023.

ITEM NO.29

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C) No(s). 11669-
11671/2020

(Arising out of impugned final judgment and order dated 16-01-2020 in MACAPP No. 567/2016 25-02-2020 in REVP No. 32/2020 21-08-2020 in REVP No. 32/2020 passed by the High Court Of Delhi At New Delhi) SHRI RAM GENERAL INSURANCE CO. LTD. Petitioner(s) VERSUS BHAGAT SINGH RAWAT & ORS. Respondent(s) WITH SLP(C) No. 1185-1186/2021 (XIV) ([MACT MATTER]) Date : 27-03-2023 These petitions were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE ARAVIND KUMAR For Petitioner(s) Mr. Sameer Nandwani, Adv.

Mr. Mohd. Parvez Dabas, Adv. Uzmi Jameel Husain, Adv.

Mr. Aquib Baig, Adv.

Mr. Mohd. Sahib, Adv.

M/S. Shakil Ahmad Syed, AOR Mr. Rameshwar Prasad Goyal, AOR Mr. Mantu Kumar Singh, Adv. For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR Mr. Mantu Kumar Singh, Adv. M/S. Shakil Ahmad Syed, AOR UPON hearing the counsel the Court made the following O R D E R SLP [C] NOS.11669-11671/2020 Leave granted.

The appeals are allowed in terms of the signed order. Pending application, if any, stands disposed of. SLP(C) No. 1185-1186/2021 The Special Leave Petitions are dismissed in terms of the signed order.

Pending application, if any, stands disposed of. (ASHA SUNDRIYAL) (POONAM VAID) ASTT. REGISTRAR-cum-PS COURT MASTER (NSH) [Signed order is placed on the file]