

Mehmooda Bee vs National Insurance Company Ltd. on 15 September, 2022

Author: J.K. Maheshwari

Bench: J.K. Maheshwari

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2022
(@ SLP(C) No. 16767 of 2022)
(@ SLP (C) D. No. 18740 OF 2016)

MEHMOODA BEE & ORS. ...
Versus
NATIONAL INSURANCE COMPANY LTD. ...

O R D E R

Delay condoned.

Leave granted.

It is an accepted position that the deceased – Tufail Shah, aged about 34 years, had met with a motor accident and, had died on 28.03.2009. He was working as a tailor. Looking at the aforesaid factual background, and work/profession of the deceased, his notional income should be taken as Rs.5,000/- per month. To this figure, we would add future prospects at the rate of 40%, albeit as he was married and had children, one-fourth would be deducted towards personal expenses. Multiplier of 16, as held by the High Court, is applicable.

On the basis of the aforesaid figures, the total amount payable on account of loss of dependency comes to Rs. 10,08,000/- (Rupees Ten Lakh Eight Thousand Only). The High Court has awarded an amount of Rs.1,20,753/- (Rupees One Lakh Twenty Thousand Seven Hundred Fifty Three Only) towards medical expenses and pecuniary loss. We do not find any reason to modify this direction. The appellants would be also entitled to Rs. 70,000/- (Rupees Seventy Thousand Only) under the conventional heads.

On the basis of the aforesaid computation, the total amount due and payable to the appellants is Rs. 11,98,753/- (Rupees Eleven Lakhs Ninety Eight Thousand Seven Hundred Fifty Three Only). The compensation payable to the appellants is enhanced from Rs. 7,31,753/- (Rupees Seven Lakh Thirty

One Thousand Seven Hundred Fifty Three Only) as awarded by the High Court to Rs. 11,98,753/- (Rupees Eleven Lakhs Ninety Eight Thousand Fifty Three Only).

The enhanced amount of Rs. 4,67,000/- (Rupees Four Lakhs Sixty Seven Thousand Only) would be paid by the respondent – Insurance Company within a period of three months from today along with interest at the rate of 6%¹ per annum from the date of filing of the claim petition till the payment is made.

The additional amount payable would be invested in a fixed deposit receipt or a senior citizen scheme for a period of 3 or 5 years, as the case may be. The appellant(s) would be entitled to payment of the interest accrued on the deposit. The principal amount would be paid, on maturity. A true copy of the receipt of deposit, would be filed before the Tribunal.

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

.....J. (SANJIV KHANNA)J. (J.K. MAHESHWARI) NEW DELHI;

SEPTEMBER 15, 2022.

¹ We have reduced the rate of interest in view of the delay in filing of the present petition.

ITEM NO.13

COURT NO.12

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

(Arising out of impugned final judgment and order dated 06-11-2012 in MA No. 709/2012 passed by the High Court of M.P. at Indore) MEHMOODA BEE & ORS. Petitioner(s) VERSUS NATIONAL INSURANCE COMPANY LTD. Respondent(s) (IA No. 154554/2018 - CONDONATION OF DELAY IN FILING IA No. 154559/2018 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS IA No. 154557/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 154558/2018 - EXEMPTION FROM FILING O.T.) Date : 15-09-2022 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE J.K. MAHESHWARI For Petitioner(s) Mrs. K. Sarada Devi, AOR Mr. R. Vijay Nandan Reddy, Adv.

Mr. B. Sri Ram, Adv.

For Respondent(s) Mr. Parmanand Gaur, AOR Mr. Ekansh Bansal, Adv.

Mr. Vibhav Mishra, Adv.

UPON hearing the counsel, the Court made the following O R D E R Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order. Pending application(s), if any, stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)