

# Basanti Devi vs Divisional Manager The New India ... on 6 December, 2021

**Bench: M.R. Shah, B.V. Nagarathna**

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7435-7436 OF 2021  
(Arising out of SLP (C) Nos. 16485-16486 of 2021)

BASANTI DEVI AND ANR.

Appe

VERSUS

DIVISIONAL MANAGER, THE NEW INDIA ASSURANCE  
COMPANY LTD. AND ORS.

Respo

O R D E R

Leave granted.

1. We have heard Mr. Kaushik Laik, learned counsel appearing for the appellants and Mr. J.P.N. Shahi, learned counsel appearing for the respondents.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Jharkhand at Ranchi in Miscellaneous Appeal. No. 378 of 2018 and Miscellaneous Appeal No. 395 of 2018 by which the High Court has allowed the Appeal preferred by the respondent-Insurance Company and has dismissed the Appeal preferred by the original Claimants to enhance the amount of compensation, the original Claimants have preferred the present Appeals.
3. The deceased, at the time of accident, was 25 years of age. The deceased was a Bachelor of Engineering in Computer Technology. The Motor Accidents Claims Tribunal, Ranchi (hereinafter referred Reason:

to as the “Tribunal”) assessed the income of the deceased for the purpose of awarding the future loss of income @ 20,000/- per month and thereafter adding 40% towards future prospects and thereafter deducted 50% towards his own personal expenditure as he was a bachelor, the Tribunal arrived at a total figure of Rs.1,68,000/- p.a. for loss of dependency and thereafter applying the multiplier of 18 awarded

Rs.30,24,000/- towards future loss of income. The Tribunal also awarded other amounts under the Conventional Heads. Thus, in all, the Tribunal awarded a total sum of Rs.30,54,000/-. However, as the Claimants already received a sum of Rs.50,000/- as interim compensation under Section 140 of the Motor Vehicles Act, the Tribunal deducted the same and awarded a total sum of Rs.30,04,000/- (Rs.30,54,000-50,000) as compensation for the death of the deceased. In an appeal preferred by the Insurance Company, the High Court has reduced the amount of compensation from Rs.30,54,000/- to Rs.15,82,000/-. The High Court has also dismissed the appeal preferred by the Claimants which was filed to enhance the amount of compensation.

4. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court dismissing the appeal preferred by the original Claimants and partly allowing the appeal preferred by the respondent-Insurance Company and reducing the amount of compensation from Rs. 30,54,000/- to Rs. 15,82,000/-, the original Claimants have preferred the present appeals.

5. Having heard the learned counsel appearing for the respective sides and considering the fact that the deceased at the time of death/accident was aged 25 years of age and was a Bachelor of Engineering in Computer Technology, we are of the opinion that the Tribunal rightly considered the income of the deceased at the time of death at least @ 20,000/- p.m. The same was not required to be interfered with by the High Court. The submission on behalf of the respondent – Insurance Company that as no documentary evidence was produced and/or laid in support of the documentary evidence produced on record that the deceased was earning Rs.20,000/- per month and therefore the Tribunal ought not to have assessed the income of the deceased at Rs.20,000/- per month is concerned, assuming that there was no supporting evidence laid, in that case also considering the potentiality to earn, as the deceased was a Bachelor of Engineering in Computer Technology, his income can safely be assessed at-least at Rs.20,000/- per month. As such we are in complete agreement with the view taken by the Tribunal. The High Court has committed a grave error in reducing the compensation from Rs.30,54,000/- (Rs.30,04,000/-) to Rs.15,82,000/-.

5. In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court insofar as allowing the appeal preferred by the Insurance Company and reducing the amount of compensation from Rs.30,54,000/- to Rs. 15,82,000/- is required to be quashed and set aside and is, accordingly, quashed and set aside. The impugned judgment and order passed by the High Court dismissing the appeal preferred by the original Claimants which was filed to enhance the amount of compensation was rightly dismissed by the High Court. We concur with the same.

6. In view of the above and for the reasons stated above, the present appeal arising out of the impugned judgment and order passed by the High Court partly allowing the appeal preferred by the respondent-Insurance Company and reducing the amount of compensation from Rs. 30,54,000/- to Rs. 15,82,000/- is hereby quashed and set aside and we restore the judgment and award passed by the Motor Accidents Claims Tribunal, Ranchi awarding the compensation at Rs.30,54,000/-. The appeal preferred by the original Claimants dismissing their appeal for enhancement is hereby dismissed.

The Appeals stand disposed of in the above terms.

..... J.

(M.R. SHAH) ..... J.

(B.V. NAGARATHNA) New Delhi;

December 06, 2021.

ITEM NO.36                      Court 13 (Video Conferencing)                      SECTION XVII

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

Special Leave Petition (C) No(s).                      16485-16486 of 2021

BASANTI      DEVI & ANR.

Petitioner(s)

VERSUS

DIVISIONAL      MANAGER THE                      NEW INDIA      ASSURANCE  
COMPANY LTD. & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.132213/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 06-12-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH HON'BLE MRS. JUSTICE B.V. NAGARATHNA For  
Appellant(s) Mr. Kaushik Laik, AOR Mr. Ashay Kaushik, Adv.

For Respondent(s) Mr. J.P.N. Shahi, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The Appeals stand disposed of in terms of the signed order. Pending applications, if any, stand  
disposed of.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)