

Supreme Court of India

Sukhbinder Kaur And Ors. vs Nirmolak Singh And Ors. on 18 January, 1982

Equivalent citations: 1982 (1) SCALE 504, (1982) 2 SCC 348

Bench: A Varadarajan, E Venkataramiah, P Bhagwati

ORDER

1. We are of the view that having regard to the facts and circumstances of the present case and particularly in view of the fact that the bread earner of the family is gone and the widow and two minor children are reduced to a condition of helplessness and the widow has to lead the rest of her life alone and at the mercy of her friends and relatives and taking into account the earning capacity of the deceased, the amount of Rs. 40,000 awarded by way of compensation is not adequate and it should be enhanced to Rs. 55,000.

2. We accordingly allow the appeal and order that a sum of Rs. 55,000 be paid to the appellants by way of compensation. We are told that a sum of Rs. 20,000 representing the liability of the insurers, has already been deposited in Court. The appellants will be at liberty to withdraw that amount. The balance out of the amount of Rs. 55,000, will be paid by respondent nos 1 to 3 to the appellants and, if any amount has already been paid or deposited by respondents nos. 1 to 3 in addition to the amount of Rs. 20,000 deposited by the insurers, the same will be given credit for and the balance of decretal amount will be paid by respondent nos. 1 to 3 within two months from today and if it is not so paid, it will carry interest at the rate of 12 percent per annum.

3. There will be no order as to costs.