

**Judgment located by a hyperlink.**

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Anita v. Arun Yadav (SC) : Law Finder Doc Id # 901407

**SUPREME COURT OF INDIA**

Before :- Kurian Joseph and R. Banumathi, JJ.

Civil Appeal No. 11115 of 2017.D/d. 7.9.2017.

Anita and Others - Appellants

**Versus**

Arun Yadav and Others - Respondents

For the Appellants :- Prasanna Mohan, Kunal Verma, Advocates.

For the Respondents :- Ms. Prerna Mehta, Dr. M.S. Verma, N.N. Jha, Ms. Shashi Singh, Ms. Maccika Gautam, Ms. Ranjana Vohra, Mrs. Santosh Singh, Advocates.

**Motor Vehicles Act, 1988, Section [166](#) Motor Vehicular Accident Death - Award of compensation - Income - Determination - Deceased was a driver - Skilled person - Therefore, income be assessed at ₹ 4,360/- per month- Adding 50 per cent for future prospects, income to ₹ 6,540/- - After deducting 1/4th towards personal expenses, what would have been saved to estate would be ₹ 4,905/- per month - Multiplier of 18 applicable thus, amount comes to ₹ 10,59,480 /- - High Court rightly awarded ₹ 1,00,000/- towards loss of consortium to widow - Two minor daughters entitled to ₹ 1,00,000/- each i.e. ₹ 2,00,000/- and mother and father get ₹ 50,000/- each, i.e. ₹ 1,00,000/- on account of loss of love and affection - Transportation expenses awarded by High Court to tune of ₹ 10,000/- upheld - Award toward funeral expenses, appellant entitled to ₹ 25,000/- - Appellant also entitled to litigation costs of ₹ 50,00/- - Therefore, total compensation enhanced to ₹ 15,44,480/- with interest at rate of 9 per cent per annum from date of filing of Claim Petition - Hence, appeal allowed.**

[Paras 2 and 3]

**JUDGMENT**

**Kurian, J.** - The only grievance of the appellants is on the computation of income. Learned Counsel for the appellant submits that there was no dispute that the deceased was a driver and yet the income that is taken by the Tribunal as well as the High Court is ₹ 4,200/-.

2. Learned Counsel appearing for the Insurance Company has brought to our notice the notification issued by the Government of Haryana, Labour Department, where a skilled person in Category 'B' has been granted minimum wages to the tune of ₹ 4,360/-. A driver is not a semi-skilled person but a skilled person. Therefore, in any case, we are of the view

that the income should have been assessed at L 4,360/- per month. Adding 50 per cent for the future prospects, it comes to L 6,540/-. After deducting 1/4th towards the personal expenses, what would have been saved to the estate would be L 4,905/- per month. Taking the undisputed multiplier of 18, the amount comes to L 10,59,480/-.

3. The High Court has rightly awarded L 1,00,000/- towards loss of consortium to the widow. The two minor daughters will be entitled to L 1,00,000/- each, i.e., L 2,00,000/- and the mother and father get L 50,000/- each, i.e., L 1,00,000/-, on account of loss of love and affection. The transportation expenses awarded by the High Court to the tune of L 10,000/- is maintained. Towards funeral expenses, the appellant shall be entitled to L 25,000/-. The appellant shall also be entitled to litigation costs to the tune of L 50,000/-. Thus, the appellant will get a total compensation of L 15,44,480/- with interest at the rate of 9 per cent per annum from the date of filing of the Claim Petition.

4. The Appeal is allowed to the above extent. Pending applications, if any, shall stand disposed of.

5. There shall be no order as to costs.

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