
(2025) 05 SC CK 0214

In the Supreme Court Of India

Case No : Civil Appeal No. 6885 OF 2025 [@ Special Leave Petition (Civil) No.10822 Of 2021]

Hansa Devi & Ors

APPELLANT

Vs

SBI General Insurance Company Limited & Anr

RESPONDENT

Date of Decision : 15-05-2025

Acts Referred:

Citation : (2025) 05 SC CK 0214

Hon'ble Judges : Sudhanshu Dhulia, J;K. Vinod Chandran, J

Bench : Division Bench

Advocate : Maruf Khan T., Tungesh, Gautam Jha

Final Decision : Allowed

Judgement

K. Vinod Chandran, J

1. Leave granted.

2. The appellants are the legal representatives of the deceased in a motor accident; the widow, three minor children and parents. The deceased was the driver of a truck in which a helper/cleaner was accompanying him. The driver had alighted after parking the truck and when he was boarding the truck, another truck driven rashly and negligently hit him and he died on the spot. The helper/cleaner who was PW2 before the Tribunal, admitted him to the hospital and gave a First Information Statement leading to the registration of an FIR. The claimants were before the Tribunal seeking compensation for the death of the bread winner of the family who was 28 years old when he met with the accident and succumbed. The Tribunal awarded a total amount of Rs.23,07,000/- to the dependents adopting the salary claimed of Rs.10,000/- and reducing 1/3rd for personal expenses while taking 3/4th of 40% of the income of the deceased as future prospects. The wife was granted loss of consortium @ Rs.40,000/-, the children @ Rs.25,000/- each and the parents @ Rs.10,000/-each. The funeral expenses and loss of estate was also awarded @ Rs.15,000/- each.

3. The Insurance Company filed an appeal before the High Court in which there was considerable deduction made especially on the salary, which was reduced to Rs.4,076/-adopting the minimum wages for a driver @ Rs.5,434/- with 40% future prospects. The claimants were granted only Rs.40,000/-towards loss of consortium. The amount awarded was reduced to Rs.12,34,105/-.

4. We find no reason to accede to the reduction of income as done by the High Court. The accident occurred on 08.05.2014. In Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd (2011) 13 SCC 236 this Court held that even a coolie would get an income of Rs.4,500/-in the year 2004. Hence, an unskilled labourer considering the marginal and incremental increase in each successive year @ Rs.500/- per year would be entitled to get almost Rs.10,000/- in the year 2014. Hence, the claim made before the Tribunal with respect to the driver of heavy vehicle getting Rs.10,000/-as wages per month must be necessarily accepted. Insofar as the loss of consortium, it has been held in New India Assurance Company v. Somwati and Ors. (2020) 9 SCC 644 that even the children and the parents are entitled to compensation for loss of consortium.

5. Since no appeal is filed by the claimants from the award of the Tribunal, we do not think there is any enhancement required. Still the award made as compensation for loss of consortium to the children and the parents by the Tribunal has to be retained. On the above reasoning, we set aside the order of the High Court restoring the order of the Tribunal. The amounts, with interest, as awarded by the Tribunal shall be disbursed to the claimants within a period of two months, which shall be equally apportioned in the name of the wife, children and parents. If any of the minor children have not attained majority, the amount shall be kept in a fixed deposit, the interest of which can be disbursed to the mother who is the guardian. The insurance company shall deposit the amounts within the period stipulated before the Tribunal and the Tribunal shall apportion the amounts as directed hereinabove.

6. The appeal is allowed.

7. Pending applications, if any, shall stand disposed of.