
(1999) 04 SC CK 0123

In the Supreme Court Of India

Case No : Civil Appeal No. 2068 of 1999 (Arising out of SLP (C) No. 19728 of 1998)

Sneha Dutta (Smt) and Another

APPELLANT

Vs

Himachal Road Transport Corpn. and Another

RESPONDENT

Date of Decision : 05-04-1999

Acts Referred:

Citation : (2000) 1 ACC 404 : (1999) ACJ 1589 : AIR 2000 SC 201 : (1999) AIRSCW 4296 : (2000) 1 ALLMR 366 : (1999) 9 JT 168 : (1999) 123 PLR 372 : (1999) 5 SCC 169 : (1999) 9 Supreme 262

Hon'ble Judges : V. N. Khare, J;S. B. Majmudar, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.

2. We have heard learned Counsel for the parties.

3. In our view, the appropriate award of compensation to the heirs of the deceased who died during a motor accident would work out at least up to Rs. 4 lacs in all instead of Rs. 2,75,000/- as awarded by the High Court by reducing figure of Rs. 5,60,000/- as awarded by the trial Court. The reason is obvious. The appellants' breadwinner who died because of the unfortunate accident, was drawing a monthly salary of Rs. 4,000/- as held by the Tribunal. Even deducting an amount of Rs. 1,500/-, Rs. 2,500/- would have been the economic benefit available to the heirs of the deceased and if the deceased had survived the rest of the earning career, he would have made available to his dependents at least Rs. 5,000/- per month. Adding Rs. 5,000/- to Rs. 2,500/- the total would work out to Rs. 7,500/-. Reducing it to 1/2 over years the average economic loss to the dependents would work out to Rs. 3,500/- per month and even deducting Rs. 500/- therefrom as personal expenses of the deceased, Rs. 3,000/- would have been available to the appellants per month and multiplying by 12 the annual economic benefit would work out at Rs. 36,000/- and considering the remaining

earning years of the deceased had he survived multiplier of 12 would yield at least Rs. 4 lacs as total compensation if not more. Considering all these aspects of the matter, therefore, the appellants shall be entitled to an additional sum of Rs. 1,25,000/-. Now, remains the question of interest. As the application was filed as early as on 7-4-1992 and as this claim is being allowed at this belated stage, in our view, having considered all the facts and circumstances of the case and not as a precedent we deem it fit to award an additional amount of Rs. 50,000/- by way of interest. Thus in all Rs. 1,75,000/- additionally shall be awarded to the appellants. This additional amount available to the appellants would be deposited by the respondent No. 1 before the trial Court within six weeks from today. The appellants shall be entitled to withdraw the said amount towards full and final satisfaction of their claim in the matter on due identification. Out of the awarded amount of Rs. 1,75,000/- keeping in view the apportionment of the compensation as directed by the High Court amongst the claimants, we direct that an additional amount of Rs. 1,25,000/- will be available to the widow and the balance of Rs. 50,000/- to the aged parents of the deceased. Interest, if any, accruing on this amount will also be proportionately paid to the appellants. It is made clear that if Rs. 1,75,000/- which are additionally awarded to the appellants, are not deposited within the aforesaid stipulated period, then on expiry of that period, it will start earning interest at the rate of 12 per cent per annum till the actual deposit is made. The appeal is allowed accordingly. No costs.