

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6856 of 2022
(ARISING OUT OF SLP (C) No. 920 of 2021)

K. Priyadharshini & Ors. ...Appellant(s)

VERSUS

M/s Gammon India Limited & Anr. ...Respondent(s)

ORDER

1. This appeal is of the Claimants which arises out of the Impugned Judgement dated 30.01.2019 by the High Court of Madras in an appeal against the order of Motor Accident Claims Tribunal, Chennai (for short, the “Tribunal”) dated 23.02.2018.
2. The accident occurred on 15.01.2013 when S. Karthikeyan (hereafter, deceased) was on his motorcycle on the Anna Salai Road from North to South Direction. The vehicle being driven by S. Karthikeyan, crashed with a crane, belonging to Respondent No. 1 which was duly insured with Respondent No. 2 which resulted in grievous injuries to the body of the deceased. He was taken to the hospital but he succumbed to his injuries. The claim petition was filed on behalf of the Appellants. The High Court as

well as the Tribunal were of the opinion that the accident had occurred due to the rash and negligent driving of the crane belonging to Respondent No.1. The liability to pay compensation was fixed on the Respondent No. 2 and accordingly the Claimants were awarded Rs. 21,34,000/- by the MACT with interest at the rate of 7.5% per annum.

3. An appeal was filed against the order of the MACT to the High Court for enhancement of compensation. The High Court increased the compensation payable to Rs. 86,07,840/- along with 7.5 % interest per annum by accepting that Income Tax Return documents could be validly relied upon to calculate the 'Average Annual Income' of the deceased, however, the High Court did not award any amount on Future Prospects as has been laid down in the case of **National Insurance Company Ltd. v. Pranay Sethi and Ors.** (2017 (16) SCC 680).

4. We think that the High Court, though, has been correct to the extent of enhancing the compensation in the facts and circumstances of the case, however, the Future Prospects awarded by the MACT at 40% was rightly awarded and should have been upheld by the High Court. Consequently, we

enhance the compensation awarded to the deceased to Rs.1,06,71,710/- along with 7.5% rate of interest per annum from the date of the filing of the petition till the date of realization. Accordingly, we direct enhancement of the compensation as per the following table: -

Particulars	Amount
Income after tax of the deceased for the years 2013-2014	Rs. 6,65,823/-
Future Prospects	40%
Personal Expenses	1/4 th
Multiplier	15
Loss of Consortium	Rs. 40,000/-
Loss of Love and Affection	Rs. 1,00,000/-
Loss of Estate	Rs. 15,000/-
Transportation Expenses	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Total	Rs. 1,06,71,710/-

5. The appeal stands disposed of. Pending application if any, shall also stand disposed of in the above terms.

.....J.
[HEMANT GUPTA]

.....J.
[SUDHANSHU DHULIA]

New Delhi,
September 22, 2022