

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s)..... OF 2026
(@Special Leave Petition (Civil) No(s).13289 of 2026)

NITHEESH ABRAHAM & ANR.

... APPELLANT(S)

VERSUS

LIBERTY VIDEOCON GENERAL INSURANCE
COMPANY LIMITED

... RESPONDENT(S)

O R D E R

Leave granted.

2. The present appeal arises out of the judgment dated 04.11.2024 passed by the High Court of Kerala at Ernakulam in MACA No. 574 of 2021, whereby the compensation awarded by the Motor Accidents Claims Tribunal, Ernakulam, was enhanced from ₹8,34,900/- to ₹13,39,969/- .

3. The factum of the accident dated 26.09.2018, resulting in the death of the appellants' mother, is not in dispute. The negligence of the driver of the offending scooter, the subsistence of a valid insurance policy, and

the possession of a valid driving licence by the driver are also undisputed. Hence, liability stands fastened upon the insurer.

4. The Tribunal had assessed the monthly income of the deceased at ₹10,000/- and awarded compensation of ₹8,34,900/-. The High Court re-fixed the monthly income at ₹12,500/- and, by applying 10% towards future prospects and deducting 1/3rd for personal expenses, enhanced the compensation by ₹3,75,100/-, thereby awarding a total of ₹13,39,969/-.

5. The appellants contended that the deceased was earning ₹21,000/- per month and that the Courts below erred in not awarding compensation under certain conventional heads, particularly loss of consortium.

6. Having heard learned counsel for the parties and perused the record, we are of the considered view that the compensation requires modification to a limited extent. While the High Court has correctly re-fixed the income and applied the multiplier, the head of loss of consortium has not been adequately accounted for.

7. In the interest of justice, we direct that a further sum of ₹3,00,000/- (Rupees Three Lakhs only) be awarded under the head of loss of consortium, over and above the compensation already awarded by the High Court. Accordingly, the total compensation payable to the appellants shall stand enhanced to ₹16,39,969/- (Rupees Sixteen Lakhs Thirty Nine Thousand Nine Hundred Sixty Nine only), together with interest as awarded by the Courts below.

8. The aforesaid sum of ₹3,00,000/- shall be paid by the respondent to the appellants within four weeks from today. Failing such payment within the stipulated period, the said amount shall carry interest @ 6% per annum from the date of default until realization.

The appeal is disposed of in the aforesaid terms.

9. The respondent-insurer shall remit the aforesaid enhanced amount directly into the bank accounts of the appellants. Learned counsel for the appellants shall forthwith furnish particulars of the bank accounts to the learned counsel for the respondent. The remittance shall

be effected within four weeks from the date of receipt of such particulars.

10. The period of delay, if any, in filing this appeal shall stand excluded while computing interest.

11. Pending application(s), if any, stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(AUGUSTINE GEORGE MASIH)

New Delhi
July 30, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).13289/2026

[Arising out of impugned final judgment and order dated 04-11-2024 in MCA No.574/2021 passed by the High Court of Kerala at Ernakulam]

NITHEESH ABRAHAM & ANR.

PETITIONER(S)

VERSUS

LIBERTY VIDEOCON GENERAL INSURANCE
COMPANY LIMITED

RESPONDENT(S)

Date : 30-07-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) : Mr. Arsh Khan, AOR

For Respondent(s) : Mr. Vishal Meghwal, AOR
Mr. Jagdish Chandra, Adv.
Ms. Aishwarya Sinha, Adv.
Ms. Sanskriti Sharma, Adv.
Mr. Kamlesh Kumar, Adv.
Ms. Yashika Bum, Adv.

Mr. Nagarjun Sahu, A.C.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order which is placed on the file.
3. Pending application(s), if any, stand disposed of.

(SOURAV PAL)
SENIOR PERSONAL ASSISTANT

(ANU BHALLA)
COURT MASTER (NSH)