

Non-reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.7109-7112 OF 2026

SUSHIL DEVI & ORS. ETC.

...APPELLANTS

Versus

**IFFCO-TOKIO GENERAL INSURANCE
COMPANY LIMITED & ANR. ETC.**

...RESPONDENTS

ORDER

A family man; survived by his wife, two minor children and mother and a bachelor; survived by his father, travelling on a motorcycle met with an accident on 17.07.2015. The accident occurred when a truck driven rashly and negligently hit the bike, crushed it and killed both the riders on the spot. The claimants approached the Motor Accident Claims Tribunal (for brevity, 'the Tribunal'), Bhiwani which awarded compensation, against which the claimants and the Insurance Company filed appeals before the High Court. The

Company's appeal with respect to the negligence of the driver of the truck and resultant liability on the Insurance Company was rejected and so was the claim of enhancement made by the claimants. However, the quantum of claim was reduced considerably by the High Court against which the above appeals are filed along with appeals from the rejection of the prayer for enhancement of the award of the Tribunal.

2. The Tribunal as also the High Court found negligence on the driver and the offending vehicle was found to be covered with a valid insurance policy. There is no appeal by the Insurance Company to the said findings. The Tribunal awarded a total compensation of Rs.21,15,000/- to the widow, children and mother of one of the deceased and an amount of Rs.10,43,000/- to the father of the other deceased. The High Court reduced the income of the 42 year old man who left behind his widow, mother and minor children based on a Circular for Minimum Wages issued by the Labour Commissioner, Haryana. The claim of monthly income of Rs.20,000/- was not accepted by the Tribunal but still an

amount of Rs. 15,000/- was adopted. The High Court found that no official of the company in which the deceased was said to have been employed was summoned to prove the avocation and the income as asserted in the claim petition. The amounts granted by the Tribunal, Rs.1,00,000/- as consortium for the widow and Rs.1,00,000/- for loss of love and affection was reduced based on ***National Insurance Co. Ltd. v. Pranay Sethi***¹ and an amount of Rs.15,000/- each was awarded as loss of estate and funeral expenses while confining the loss of consortium to Rs.50,000/-. Future prospects of 25% was granted. The total awarded amount was reduced to Rs.10,79,008/- and so was the interest awarded by the Tribunal @ 9% reduced to 7.5%.

3. Insofar as the other claimant, the Tribunal assessed the monthly income as Rs.9,000/-, which was reduced to Rs.6,407/- based on the very same Circular issued by the Labour Commissioner, while the multiplier was adopted at 17. The amounts awarded under the conventional heads were

¹ (2017) 16 SCC 680

reduced based on ***Pranay Sethi***¹. The total compensation awarded was thus reduced to Rs.9,44,736/-.

4. We will first consider the appeal of the widow, minor children and the mother of the deceased, which was agitated in MACT Petition No.77 of 2015 before the Tribunal. Therein though an income of Rs.20,000/- was claimed in the petition, a pay slip was produced and marked as Ex.B, which showed the monthly income of Rs.17,763/- as salary from Aquatech Jhajjar Power LT Jhalari. There was no objection to the production of the said document and hence there was no ground for the Tribunal to reduce it to Rs.15,000/- and much less for the High Court to reduce it to the minimum wages as applicable in a circular issued by the Labour Commissioner. We hence adopt the monthly income of Rs.17,763/- on which, the deceased being aged 42 years and employed regularly has to be computed with an addition of future prospects @ 30%. Since, the deceased left four dependents deduction for personal expenses has to be confined to 1/4th and the multiplier applicable has been rightly adopted at 14.

5. However, we find absolutely no reason for the reduction of the interest from 9% as awarded by the Tribunal, to 7.5%; which award of the Tribunal with respect to interest will stand restored. Insofar as the loss of consortium is concerned, it has been held in ***New India Assurance Company v. Somwati and Ors.***² that in addition to spousal consortium, the dependents would be entitled to filial and parental consortium @ Rs.40,000/- each. The total amounts awarded hence would be as per the following computation:

S. No.	Particulars	Amount
1.	Loss of income (17763 x 130% x 12 x 14 x $\frac{3}{4}$)	Rs.29,09,579.00
2.	Funeral expenses	Rs. 15,000.00
3.	Loss of estate	Rs. 15,000.00
4.	Loss of consortium @ Rs.40,000/- (Rs.40,000/- x 4)	Rs. 1,60,000.00
	Total	Rs.30,99,579.00

² (2020) 9 SCC 644

6. Insofar as the claim in MACT petition No.143/2015; as numbered before the Tribunal, the claim was of an employment in a sweet shop with monthly income of Rs.15,000/-. This was rightly declined by the Tribunal and the High Court for reason of no substantive evidence having been led. However, this Court in **Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd.**³ held that a Coolie would be entitled to a monthly income of Rs.4,500/- in the year 2004 Definitely an incremental increase of Rs.500/- per year would also be justified going by the principle laid down by the Constitution Bench in **Pranay Sethi**¹. Adopting the above principle the monthly income of the deceased aged 28 years in 2015 can be safely adopted at Rs.11,000/- and the other amounts under the conventional heads also have to be awarded. Herein also the reduction of interest rate by the High Court is found to be improper and the interest of 9% as granted by the Tribunal is restored. The deduction for personal expenses would be one-half since the deceased was

³ (2011) 13 SCC 236

a bachelor. The deceased being aged 28 years should be deemed to have had future prospects @ 40% and the multiplicand will be 17. The computation of the total award amounts would be as follows:

S. No.	Particulars	Amount
1.	Loss of dependency (11,000 x 140% x 12 x 17 x 1/2)	Rs.15,70,800.00
2.	Funeral expenses	Rs.15,000.00
3.	Loss of estate	Rs.15,000.00
4.	Loss of consortium (Rs.40,000/- x 1)	Rs.40 ,000.00
	Total	Rs.16,40,800.00

7. The appeals stand allowed with the above enhancement. The Insurance Company shall pay the balance amounts with interest @ 9% from the date of filing of the petition and shall also disburse the interest component of the amounts already paid, if the payments were made as per the interest rate reduced by the High Court. We make it clear that interest rate throughout shall be @ 9%.

8. The appeals stand allowed with the above directions.
9. Pending application(s), if any, shall stand disposed of.

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 07, 2026.**