

**Non-Reportable**

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

**Civil Appeal No. .... of 2026**  
**[ @ Special Leave Petition (C) No.18832 of 2024 ]**

**Phooli Devi and Ors.**

**...Appellants**

**Versus**

**The New India Assurance Company Ltd.**

**...Respondent**

**ORDER**

Leave granted.

2. The claim for enhancement of compensation arises from an accident involving two trucks in which the sole bread winner of the petitioners' family who was driving one of the trucks succumbed to the injuries caused. The negligence was clearly found on the other truck, which was insured.

3. The Tribunal found the monthly income as applicable to a skilled worker to be Rs.6,810/- and computed the compensation taking 25% for future prospects, 1/3<sup>rd</sup> for personal expenses and the multiplier of 13. The High

Court while accepting the monthly income, reduced the deduction for personal expenses to 1/4<sup>th</sup>. The High Court also enhanced the compensation for loss of consortium to Rs.1,60,000/- considering that the deceased left behind the wife and three children.

4. Before us, the learned counsel for the appellant argued that the claim of monthly income was Rs.25,000/-; especially when it was proved that the deceased was owning a truck, which was self-driven. The deduction for the monthly instalments towards the loan availed for purchase of the truck was also produced, which clearly indicates the income to be as claimed.

5. The learned counsel appearing for the Insurance Company, however, pointed out that when an income of Rs.25,000/- is claimed, the deduction asserted is between Rs.14,000/- to Rs.25,000/-, which is incongruous. It is prayed that the appeal be rejected.

6. On the aspect of income, it cannot be ignored that the deceased was the owner of a truck which has a National Permit as evident from Annexure P1 documents. Annexure

P2 is the statement of accounts, which clearly shows the EMIs being deducted, as pointed out by the counsel for the respondent, which is between Rs.14,000/- to Rs.25,000/-.

**7.** The evidence of the first appellant, the wife of the deceased has been discussed by the Tribunal, in detail. She had claimed Rs.25,000/- income and in cross-examination at the suggestion of the Insurance Company, it was asserted that from the income of the truck her husband used to pay not only the instalments towards the loan but the household expenses too were borne out of it. We also have to notice that the appellant had a valid driving license and he was driving his own vehicle, value of which is also to be added to his income.

**8.** In the above circumstances, it is safe to assume that the appellant would have been earning at least Rs.25,000/- in a month considering the fact that he was paying almost Rs.25,000/- every month towards the instalment of loan availed for purchase of the truck. The quantum of compensation hence is modified as in the table below:

<b>Sl. No.</b>	<b>Compensation for</b>	<b>Amount</b>
1.	Loss of income (20000 x 12 x 125% x 13 x 3/4)	Rs.29,25,000/-
2.	Loss of consortium	Rs.1,60,000/-
3.	Loss of estate	Rs.15,000/-
4.	Funeral expenses	Rs.15,000/-
	Total	Rs.31,15,000/-

9. The award shall be satisfied with 7% interest as directed by the Tribunal within a period of two months from the date of this order after deducting the amounts already paid.

10. The appeal is allowed in the aforestated terms.

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

..... J.  
(N. KOTISWAR SINGH)

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

**NEW DELHI**  
**JULY 07, 2026.**