

ITEM NO.23

COURT NO.12

SECTION XV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 48326/2026

[Arising out of impugned final judgment and order dated 06-04-2026 in MAC APP. No. 10/2025 passed by the High Court of Sikkim at Gangtok]

THE BRANCH MANAGER CHOLAMANDALAM MS
GENERAL INSURANCE COMPANY LTD.

Petitioner(s)

VERSUS

DAL BAHADUR THAPA & ORS.

Respondent(s)

IA No. 257577/2026 - CONDONATION OF DELAY IN FILING
IA No. 257573/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 02-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) :

Mr. Abhishek Gola, Adv.(through VC)
Mr. Viresh B. Saharya, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Issue notice to the respondents only to examine the issue as to whether the deduction for personal expenses at one-fourth instead of one-third of the annual income and future prospects, is legal particularly for the reason that the deceased was a bachelor and as per the judgment rendered in the case of

National Insurance Co.Ltd vs Pranay Sethi
(2017 (16) SCC), when the deceased was an unmarried person, only one-third deduction is permissible.

3. Petitioner shall deposit the amount of compensation granted by the Motor Accidents Claims Tribunal within four weeks from today.

4. In the meanwhile, there shall be stay of the operation of the impugned order passed by the High Court, insofar as it concerns the enhanced amount of compensation.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)