

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

CIVIL APPEAL NO. OF 2025
(Arising out of SLP(C)No.5637/2023)

JAYALAXMI

... APPELLANT

Versus

K. ABHAYACHANDRA & ORS.

... RESPONDENTS

ORDER

Time taken for disposal of the claim petition by MACT	Time taken for disposal of the appeal by the High Court	Time taken for disposal of the appeal in this Court
More than 5 years	3 years 3½ months	2 years

Leave granted.

2. This appeal is directed against the judgment and order dated 12th August 2022, passed in Miscellaneous First Appeal No.200962 (MV) passed by the High Court of Karnataka, titled analogously. Impugned before it, in turn, was a judgment and order of the Senior Civil Judge and MACT - VIII at Muddebihal dated 22nd October 2018 in MVC No.24 of 2013.

3. The brief facts giving rise to this appeal are that on 11th July, 2012, the deceased, namely, Jagdish, aged 26 years, was travelling in a bus on Hubli-

Vijaypura Road when the said bus collided with a stationary lorry. Jagdish lost his life, and others suffered grievous injuries. A criminal case in connection therewith was also lodged.

4. A claim petition was filed by the Appellant (dependant of Jagdish) before the Tribunal seeking compensation to the tune of Rs.1,27,50,000/-. After hearing the parties and examining the material on record, the Tribunal granted Rs.14,58,000/-, taking the monthly income of the deceased as Rs.10,000/-. On appeal, the High Court enhanced compensation payable to him to a total of Rs.20,69,200/-. The High Court maintained interest awarded by the Tribunal @ 9% p.a.

5. Still dissatisfied, the Claimant-Appellant, mother of the deceased, has approached this Court on the ground that the monthly income of the deceased has not been assessed in accordance with law.

6. We have heard the learned counsel for the parties. The record reveals that the deceased was a business owner running a successful tea stall that gainfully employed certain persons to assist him in the smooth functioning thereof. The said concern was being run under the licence of the Government. It is further borne from the record that this shop had considerable clientele and a decent turnover. His banking transactions produced before us further attest to the success of the business. The savings arising therefrom were consistent in nature. It is also seen that the deceased was subjected to income and property tax.

7. Keeping all the above factors in mind, we are of the view that the Tribunal and the High Court erred in taking the monthly income of the deceased at Rs.10,000/- and Rs.14,000/- respectively. In filing the claim, the party has urged that the monthly income of the deceased be Rs.50,000/-; however, that seems to be on the higher side. As discussed above, the deceased was running a tea stall under a Government license with consistent turnover. Rs.3000/- per month was paid only as commercial tax. He had also employed more people to assist him. The monthly income, considering all the evidence in the circumstances of the case, can be taken to be Rs.25,000/- per month.
8. In view of the aforesaid, the compensation now payable to the claimant-appellant would be recalculated as under:

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	25,000	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 <i>Para 42, 52 & 59</i>
Yearly Income	25000 X 12 = 3,00,000/-	
Future Prospects (40%) (Age being 26)	3,00,000 + 1,20,000 = 4,20,000/-	
Deduction (50%) (Only 1 Dependant)	2,10,000	
Multiplier (17)	2,10,000 X 17 = 35,70,000	
Loss of Estate	18,150	
Loss of Funeral Expenses	18,150	
Loss of Consortium	48,400	
Total	Rs. 36,54,700/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 14,58,000	Rs. 20,69,200	Rs. 36,54,700

9. The Civil Appeal is allowed in the aforesaid terms. The impugned award dated 22.10.2018 passed by Senior Civil Judge and MACT- 8 at Muddebihal in MVC No.24 of 2013 as modified in terms of the impugned order stands further modified to the above extent. Interest is to be paid as awarded by the Tribunal.

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

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

**February 11, 2025;
New Delhi.**