

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6872 OF 2015

(Arising out of SLP (C) No.27410 of 2014)

Girija & Ors.

... Appellants

VERSUS

Nagraaj & Anr.

... Respondents

O R D E R

Leave granted.

The claimants are the legal representatives of the deceased Shivanand Navalagund, a Jr. Work Inspector working in the Karnataka Housing Board who had met with an accident on 16.1.2005 and breathed his last. At the time of his death, as the findings would show, he was 51 years of age and he was getting Rs.12,000/- per month towards salary. The tribunal considering the claim petition filed by the wife and children granted Rs.10,69,464/- towards compensation with 6% interest. On appeal being preferred, the High Court enhanced the amount by Rs.54,000/-.

It is submitted by learned counsel for the appellant that the tribunal in such a case should not have reduced the contribution of deceased by 1/3rd, for he had a large family and he was contributing more than 2/3rd of his income. That apart, it is submitted that his future income was not taken into consideration.

Learned counsel for the insurer has supported the award passed by the tribunal which has been modified to some extent by the High

Court.

Having heard learned counsel for the parties and regard being had to the number of dependents on the deceased and also taking note of the fact that appropriate future income has not been taken into consideration (the tribunal has only added future income at 20% whereas it should have been 30%), we are disposed to enhance the quantum to Rs.16,80,000/-. The balance amount shall be deposited before the tribunal within a period of eight weeks and the tribunal shall disburse it in favour of the claimants keeping in view the terms and conditions engrafted in the award. Needless to emphasise, the amount shall carry interest at the rate of 6% per annum as per the original direction of the tribunal. While computing the amount, the amount that has already been disbursed in favour of the claimants would be taken into consideration but that does not mean that the interest component therein would be considered for the purpose of direction we have given.

The appeal is allowed to the extent indicated above. The award passed by the tribunal and the judgment rendered by the High Court stand modified accordingly. There shall be no order as to costs.

....., J.
(Dipak Misra)

....., J.
(Prafulla C. Pant)

New Delhi;
September 4, 2015.

ITEM NO.10

COURT NO.5

SECTION IVA

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). 27410/2014

(Arising out of impugned final judgment and order dated 28/01/2013
in MFA No. 21450/2008 passed by the High Court Of Karnataka
Circuit Bench At Dharwad)

GIRIJA & ORS.

Petitioner(s)

VERSUS

NAGARAJ & ANR

Respondent(s)

(with office report)

Date : 04/09/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) MR. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
M/s. Nuli & Nuli, AOR

For Respondent(s) Mr. Anil Kumar, AOR

Mr. M.P. Shorawala, AOR
Ms. Shruti Sen, Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the signed
order.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)