

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2025
(ARISING FROM SLP(CIVIL) No(s). 14465/2021)

HEMAVATHI & ORS. ... APPELLANT(S)

Versus

UNITED INDIA INSURANCE CO. ... RESPONDENT(S)
LTD. & ANR.

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

3. The appeal is directed against the judgment and order passed by the High Court of Karnataka in M.F.A. No. 8580 of 2013(MV) dated 22nd January, 2021.

4. The appellants/claimants are the family members of the deceased, who met with an accident and succumbed to his injuries.

5. Admittedly the deceased was working in Kuwait as an AC pipe/mechanic fitter. The claimants, the family members of the deceased, produced the

salary certificate before the Tribunal to show that the monthly income was 130 Kuwaiti Dinars equivalent to Rs. 25,000/- approximately. The Tribunal declined to rely upon the same on the ground that the same has not been proved by the author of the salary certificate. The Tribunal fixed the monthly income at Rs. 6,000/- (Rupees Six Thousand only). On appeal to the High Court, enhanced it to Rs. 7,000/- (Rupees Seven Thousand only) per month.

6. We are unable to agree with the reasoning given by the Tribunal as also the High Court in disbelieving the salary certificate. It would have been difficult rather almost impossible for the claimants of the deceased to have arranged for the author of the salary certificate to come from Kuwait and depose before the Tribunal. Even otherwise, in claims under the Motor Vehicles Act, 1988, the procedural strict rules of evidence do not apply. The Insurance Company would have all the wherewithal to establish that it was fake or a bogus certificate which is not the case here.

7. Learned counsel for the appellants has submitted that the claimants have received an approximate amount of Rs. 12,50,000/- (Rupees Twelve Lakh Fifty Thousand only).

8. Considering the facts and circumstances of the case, we are of the view that interest of justice would be best served by awarding a total compensation of Rs.30,00,000/- (Rupees Thirty Lakhs only) under all heads and inclusive of interest. It is ordered accordingly. The impugned order shall stand modified to the above extent.

9. The respondent-Insurance Company shall pay the balance amount to the claimants within a period of two months from today failing which the balance amount to be paid would carry simple interest component at the rate of 9% per annum.

10. The appeal is allowed as above.

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

..... J.
[VIKRAM NATH]

..... J.
[SANDEEP MEHTA]

NEW DELHI;
JANUARY 15, 2025.

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). 14465/2021
[Arising out of impugned final judgment dated 22-01-2021 in MFA
No. 8580/2013(MV) passed by the High Court of Karnataka at
Bengaluru]

HEMAVATHI & ORS.

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. & ANR.

Respondent(s)

Date : 15-01-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :

Mr. Manjunath Meled, Adv.
Mrs. Vijayalaxmi Meled, Adv.
Mr. Ganesh Kumar R., AOR

For Respondent(s) :

Mr. A.K.De, Adv.
Ms. Ananya De, Adv.
Mr. Anjan Sinha, Adv.
Ms. Rebbeca Dias, Adv.
Mr. Pramit Saxena, AOR

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

Leave granted.

The appeal is allowed in terms of the signed
order.

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

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
COURT MASTER (NSH)

[Signed order is placed on the file]