

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLANT JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_/2025  
[@ SPECIAL LEAVE PETITION (CIVIL) NO.13318/2020]

PARAMESWARAN & ORS.

APPELLANT(S)

VERSUS

SUNNY GEORGE & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. Heard learned counsel appearing for the appellants and learned counsel appearing for the second respondent. This appeal arises out of a claim filed by the appellants under Section 166 of the Motors Vehicles Act, 1988. The wife of the first appellant and mother of the second and third appellants died in the accident. The deceased was a home maker. The issue is what should be the notional income taken of the deceased for the purposes of calculating multiplicand. The law on this aspect is well settled by this Court in the case of *Kirti vs Oriental Insurance Company Limited*<sup>1</sup>. This Court has held that in case of a home maker, a reasonable amount has to be taken as a notional income. This Court held that concept of just compensation has to be kept in mind while deciding the

1 . (2021) 2 SCC 166

notional income of home maker.

3. In the present case, the accident is of the year 2016. Therefore, in the facts of the case, we are of the view that a sum of Rs.12,000/- per month can be taken as a notional income. The real dispute between the appellants and the insurer was regarding the notional income. We resolve the dispute by fixing the notional income as Rs.12,000/- per month.

4. As the husband of the deceased (who is also no more) could be only dependent, 50% deduction will have to be made. Considering the age of the deceased, for future prospects of income, 10% will have to be added. Therefore the income will have to be taken at Rs.6,600/- per month. By applying multiplier of 9 and adding usual amounts, the total compensation payable comes to Rs.8,87,800/- (Rupees Eight Lakhs Eighty Seven Thousand Eight Hundred Only).

5. Accordingly, we modify the impugned orders and hold that the entitlement of the original claimants will be compensation of Rs.8,87,800/- (Rupees Eight Lakhs Eighty Seven Thousand Eight Hundred Only) which will carry interest at the rate of 7% per annum from 13<sup>th</sup> July, 2017.

6. The amount in terms of the modified award (after deducting the amount already paid) shall be deposited by the second respondent - insurer with the Tribunal within a

period of two months from today.

7. The Tribunal shall pass appropriate order regarding investment/disbursal of the amount deposited by the second respondent.

8. The appeal is partly allowed on above terms.

9. No orders as to costs.

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

.....J.  
(ABHAY S.OKA)

.....J.  
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;  
APRIL 16, 2025.

ITEM NO.4

COURT NO.4

SECTION XI-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition for Special Leave to Appeal (C) No.13318/2020**

[Arising out of impugned final judgment and order dated 11-08-2020 in MACA No. 3011/2019 passed by the High Court of Kerala at Ernakulam]

PARAMESWARAN &amp; ORS.

Petitioner(s)

VERSUS

SUNNY GEORGE &amp; ORS.

Respondent(s)

[MACT MATTER]

Date : 16-04-2025 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA**  
**HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH**

**For Petitioner(s) : Mr. Romy Chacko, Sr. Adv.**  
**Mr Rahul Jain, AOR**  
**Mr. Sachin Singh Dalal, Adv.**  
**Mr. Akshat Singh, Adv.**  
**Mr. Joe Sebastian, Adv.**

**For Respondent(s) : Mr. Rajeev Maheshwaranand Roy, AOR**

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

**Leave granted.**

**The appeal is partly allowed in terms of the signed order which is placed on the file.**

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

**(KAVITA PAHUJA)**  
**ASTT. REGISTRAR-cum-PS**

**(AVGV RAMU)**  
**COURT MASTER (NSH)**