

ITEM NO.6

COURT NO.10

SECTION XI

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).  
34064-34065/2013

(Arising out of impugned final judgment and order dated  
14/12/2012 in FAFO No. 2613/2002 14/12/2012 in FAFO No.  
308/2002 passed by the High Court Of Judicature at Allahabad)

SUNITA SRIVASTAVA &amp; ORS.

Petitioner(s)

VERSUS

G.M. , U.P. STATE ROAD TRANSPORT C.&amp; ANR

Respondent(s)

(with interim relief and office report)

Date : 18/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)      Mr. Saurabh Trivedi, Adv.  
                                 Mr. Varun Mathur, Adv.  
                                 Mr. Rahul Trivedi, Adv.  
                                 Ms. Purnima Jauhri, Adv.  
                                 Mr. Prabodh Kumar, Adv.

For Respondent(s)      Ms. Garima Prashad, Adv.

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

Leave granted.

Appeals are allowed to the extent indicated in  
the signed order. No costs.

(NEELAM GULATI)  
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)  
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 634-635 OF 2017  
(Arising out of SLP(C) Nos. 34064-34065 of 2013)

SUNITA SRIVASTAVA & ORS.

Appellant(s)

VERSUS

G.M. , U.P. STATE ROAD TRANSPORT CORPN.  
& ANR.

Respondent (s)

O R D E R

Leave granted.

The deceased - Satya Prakash aged 36 years died in the accident in question. The Motor Accident Claims Tribunal (in short 'the Tribunal') awarded Rs.50,000/- (Rupees fifty thousand only) under no-fault liability. However, the High Court has held that the deceased was traveling in the bus and he died owing to the injuries sustained in the accident. As the deceased was earning Rs.3980/- per month at the time of the death, multiplier of 15 has been applied by the High Court. The claimants were widow and two minor children. Thus on account of loss of the dependency, compensation of Rs. 4,77,540/- (Rupees four lakhs seventy seven thousand five hundred

and forty only) has been awarded along with some amount under customary head. Total compensation awarded was Rs. 4,93,040/- (Rupees four lakhs ninty three thousand and forty only).

Aggrieved by the said order, the present appeals have been filed by the claimants.

Having heard learned counsel for both the parties, we are of the opinion that the compensation awarded by the High Court is on lower side. Amount of 40% ought to have been added towards future prospects. Apart from that, sum awarded under the customary head is also inadequate. In our opinion, considering the age of the deceased, multiplier of 16 ought to have been applied instead of 15 as applied by the High Court. Thus in the facts and circumstances, we deem it appropriate to enhance the compensation by Rs.3,50,000/- (Rupees three lakhs fifty thousand only) with interest at the rate of 6% from the date of filing of the claim petition till its realisation.

It is submitted by the learned counsel for the respondent that the amount which has been awarded by the High Court has already been deposited along with interest. As such we should not enhance the amount of compensation. Submission is baseless as it was incumbent

upon the respondent to deposit the amount awarded by the High Court.

Let enhanced amount be deposited within a period of three months from today.

Appeals are allowed to the aforesaid extent. No costs.

.....J  
(ARUN MISHRA)

.....J  
(AMITAVA ROY)

NEW DELHI  
JANUARY 18, 2017