

SUPREME COURT OF INDIA

Arshada Banu

Vs.

New India Assurance Co.Ltd.

C.A.No.8196 of 2009

(Dalveer Bhandari and A.K. Patnaik JJ.)

10.12.2009

ORDER

Leave granted.

1. This appeal is directed against the judgment of the High Court of Karnataka at Bangalore in Miscellaneous First Appeal No.6268 of 2003.

2. Brief facts, which are necessary to dispose of this appeal is recapitulated as under:

3. The appellant filed a claim petition in Motor Vehicle Case No.49 of 2000 against the respondents seeking compensation of Rupees ten lakhs for personal injuries said to have been sustained by her in motor vehicle accident that occurred at about 2.45 p.m. on 20th September, 1999, near Hampapura gate, Nagamangala road, Mandya. According to the appellant, the accident took place because of rash and negligent driving of the driver. As a result of the accident, there was amputation of her right hand above the elbow joint. The appellant remained in hospital for fifteen days and she had to spend huge amount towards medical expenses, transportation, attendant charges, nourishing food etc. It is further stated that she is a tailor, stitching ladies garments and earning about Rs.150/- per day.

4. According to the order of the High Court, the appellant is entitled to a total compensation of Rs.1,84,000/- as against Rs.34,000/- awarded by the Tribunal. The High Court also awarded interest at the rate of eight per cent from the date of petition, till the date of realisation. The appellant, aggrieved by the impugned judgment of the High Court, preferred this appeal by way of special leave.

5. According to the appellant, the High Court has not properly computed the compensation amount. According to her, she was about 35 years of age at the time of accident and was earning Rs.3,000/- per month.

6. We have heard learned counsel for the parties and perused the documents on record. Looking to the fact that the appellant was working in a very small village and according to

the evidence on record and other factors, we take that her annual income was Rs.18,000/- from tailoring.

7. In the facts and circumstances of the case, we think that the proper multiplier should be sixteen. The High Court had granted Rs.84,000/- under the heading 'Loss of Service to the Family' vide para 17 of the impugned order. Therefore, in place of Rs.84,000/-, Rs.2,88,000/- has to be substituted under the heading 'Loss of earning capacity'. The award under other different headings except the amount calculated regarding the income of the appellant would remain the same.

8. With this modification, the appeal is disposed of.

9. The parties to bear their own costs.