

SUPREME COURT OF INDIA

Anita

Vs.

Arun Yadav

C.A.No.11115 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

07.09.2017

JUDGMENT

Kurian Joseph,J.,

1. The only grievance of the appellants is on the computation of income. Learned Counsel for the appellant submits that there was no dispute that the deceased was a driver and yet the income that is taken by the Tribunal as well as the High Court is Rs.4,200/-.

2. Learned Counsel appearing for the Insurance Company has brought to our notice the notification issued by the Government of Haryana, Labour Department, where a skilled person in Category 'B' has been granted minimum wages to the tune of Rs.4,360/-. A driver is not a semi-skilled person but a skilled person. Therefore, in any case, we are of the view that the income should have been assessed at Rs.4,360/- per month. Adding 50 per cent for the future prospects, comes to Rs.6,540/-. After deducting 1/4th towards the personal expenses, what would have been saved to the estate would be Rs.4,905/- per month. Taking the undisputed multiplier of 18, the amount comes to Rs.10,59,480/-

3. The High Court has rightly awarded Rs 1,00,000/- towards loss of consortium to the widow. The two minor daughters will be entitled to Rs 1,00,000/- each, i.e., Rs. 2,00,000/- and the mother and father get Rs. 50,000/- each, i.e., Rs 1,00,000/-, on account of loss of love and affection. The transportation expenses awarded by the High Court to the tune of Rs 10,000/- is maintained. Towards funeral expenses, the appellant shall be entitled to Rs 25,000/-. The appellant shall also be entitled to litigation costs to the tune of Rs 50,000/-. Thus, the appellant will get a total compensation of Rs 15,44,480/- with interest at the rate of 9 per cent per annum from the date of filing of the Claim Petition.

4. The Appeal is allowed to the above extent. Pending applications, if any, shall stand disposed of.

5. There shall be no order as to costs.

