



2022 INSC 999

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6855 OF 2022
(ARISING OUT OF SLP (C) NO.1797 OF 2018)

NARAYAN & ORS.

... APPELLANTS

Versus

**MANAGER ROYAL SUNDARAM ALLIANCE
INSURANCE CO. LTD.& ANR.**

... RESPONDENTS

ORDER

1. This appeal is of the claimants, which arises out of the Impugned Judgment dated 05.04.2017 by the High Court of Karnataka at Kalaburagi Bench in an appeal against the order of Motor Accident Claims Tribunal (for short, the “Tribunal”) dated 28.06.2014.

2. The accident occurred on 30.03.2010 when the deceased Kiran was riding on a two-wheeler from Sholapur to Pandharpur, Maharashtra. During the journey an accident occurred when a Heavy

Goods Vehicle crashed into the two-wheeler and caused fatal injuries to Kiran, who died on the spot. The claim petition was filed on his behalf by his parents and younger brother. The Tribunal was of the

opinion that the accident did occur due to the rash and negligent driving by driver of the Heavy Goods Vehicle. The vehicle was insured with respondent no.2 insurance company and the liability was fixed on the insurance company by the Tribunal. The award was made as per the following table : -

Head	Details/Amount
Occupation	T.V. News Reporter
Income	Rs. 10,000/-
Age	25 Years
Multiplier	15
Deduction on account of personal expenses	50% (1/2)
Loss of Consortium	Rs. 30,000/-
Loss of Estate	Rs. 50,000/-
Funeral Expenses	Rs. 25,000/-
Rate of Interest awarded	6%
TOTAL AMOUNT AWARDED	Rs. 10,05,000/-

3. The matter was taken in appeal to the High Court, which after considering the submissions of the insurance company awarded them increased compensation on the opinion that the income of the deceased should be taken as Rs.15,000/- and the multiplier should have been eighteen instead of fifteen. The High Court further increased the compensation granted under the head of loss of consortium to Rs.75,000/-. Therefore, the High Court awarded the amount of Rs.17,70,000/- with the amount to be given at the 6% interest. Though, we find that the rate of interest awarded should have been fixed at 7.5% and hence the rate of interest stands modified.

4. However, we think that the Tribunal and the High Court have erred in not granting future prospects to the claimants in terms of the judgement of **National Insurance Company v. Pranay Sethi & Ors.**¹ Accordingly, the appeal is allowed and the future prospects at the rate of 40% is granted to the claimants. The total compensation payable to the appellants would be Rs 37,80,000/- at 7.5% interest.

.....J.
[HEMANT GUPTA]

.....J.
[SUDHANSHU DHULIA]

**New Delhi,
September 22, 2022.**

¹ (2017) 16 SCC 680