

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 20973 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS. 33974 OF 2015]

NAVJYOT SINGH . & ORS. Appellant(s)

VERSUS

D.T.C. & ORS. Respondent(s)

with

CIVIL APPEAL NO. 20974 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS. 9834 OF 2016]

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The main question arising for consideration in these appeals is with regard to the application for future prospects. The other question is on the computation of income.
3. The Constitution Bench, in a recent Judgment dated 31.10.2017 in National Insurance Company Limited Vs. Pranay Sethi & Ors. (SLP (C) No. 25590 of 2014 & Batch), has held that even in the case of self-employed persons, addition of income by way of future prospects is permissible. In the instant case, the deceased was aged 42 years and hence, as

per the guidelines, it is not in dispute that enhancement shall be at the rate of 25%.

4. There is a vast difference between the findings of the Tribunal and the High Court with regard to computation of income. The Tribunal, on the basis of Income Tax Returns filed after the death and the evidence tendered by the colleagues, calculated the income at Rs. 1,46,618/- per month. However, the High Court, having regard to the Income Tax Returns, entered a finding that the monthly income was only Rs. 59,250/-.

5. Having heard the learned counsel appearing on both sides and having gone through the materials available on record, we are of the view that a reasonable increase in the income is required in the instant case. Of course, the appellants are entitled to 25% enhancement by way of future prospects. On a rough and ready estimate, we are of the view that it will be just, fair, proper and reasonable to fix the compensation at Rs.75,00,000/- (Rupees Seventy Five Lakhs). The same shall carry interest at the rate of 9% from the date of application. The amount already paid shall be duly adjusted. The respondents are directed to deposit the amount due as per this Judgment within a period of three months from today.

6. In view of the above, the appeals are disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[AMITAVA ROY]

New Delhi;
December 07, 2017.

ITEM NO.16

COURT NO.5

SECTION XIV

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). 33974/2015

(Arising out of impugned final judgment and order dated 10-04-2015 in MACAP No. 887/2012 passed by the High Court Of Delhi At New Delhi)

NAVJYOT SINGH . & ORS.

Petitioner(s)

VERSUS

D.T.C. & ORS.

Respondent(s)

WITH

SLP(C) No. 9834/2016 (XIV)

Date : 07-12-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROY

Counsel for the
parties

Mr. Vikas Arora, Adv.
Mr. Mohit Paul, Adv.
Ms. Radhika Arora, Adv.
Mr. Puneeth K. G., Adv.
Mr. Anugrah Niraj Ekka, Adv.

Mr. S. C. Duggal, Adv.
Mr. Shekhar Kumar, AOR

Dr. Monika Gusain, AOR

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

Leave granted.

The civil appeals are disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)

