

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO. 11115 OF 2017**

ANITA AND OTHERS

... APPELLANT (S)

VERSUS

ARUN YADAV AND OTHERS

... RESPONDENT (S)

**J U D G M E N T**

**KURIAN, J.:**

1. The appellants herein are aggrieved by the insufficiency of the compensation awarded to them on account of a motor accident in which husband of the first appellant died. The main dispute is with regard to income. The Motor Accident Claims Tribunal awarded a total sum of Rs.6,90,400/- and the High Court added 50 per cent towards income of the deceased in addition to some compensation under other heads. There was no dispute that deceased was a driver employed with a private establishment and it has come in evidence that additionally, he was engaged in private taxi driving.
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 out of the employment as driver should have been assessed at Rs.4,360/- per month. Since, it has come in evidence that he was also a private taxi driver, though there is not much evidence produced with regard to the actual income, we are of the view that it would be just and proper to add an income of Rs.100 per day out of the taxi service. Thus, the monthly income would come to Rs.7,360/-. Adding 50 per cent for the future prospects, it comes to Rs.11,040/-. After deducting 1/4<sup>th</sup> towards personal expenses, what would have been saved to the estate would be Rs.8,280/-. Taking the undisputed multiplier of 18, the compensation in that respect comes to Rs.17,88,480/-.

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 gets Rs.50,000/- 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/-. Thus, the appellant will get a total compensation of Rs.21,73,480/- with interest at the rate of 8 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.

.....J.  
(KURIAN JOSEPH)

.....J.  
(R. BANUMATHI)

**New Delhi;  
September 7, 2017.**