



2025 INSC 820

Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No.....of 2025
(@Special Leave Petition (C) No.12187 of 2019)**

**MEENA (DEAD)
REPRESENTED THR. LRs.**

APPELLANT(S)

Versus

PRAYAGRAJ & ORS.

RESPONDENT(S)

J U D G E M E N T

K. VINOD CHANDRAN, J.

1. Leave granted.
2. The injured was the claimant before the Motor Accidents Claims Tribunal, who died during the pendency of this appeal on 25.01.2024. The husband and the two daughters, who are the legal heirs of the original claimant, have been substituted as the appellants.
3. An accident occurred on 04.06.2005, when the injured was travelling in a bus. There was 100% disability assessed by the doctor, who was examined

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before the Tribunal. Both the Tribunal and the High Court has accepted the percentage of disability. The original appellant (deceased), at the time of the accident was 50 years old and accepting her monthly income as Rs.3,000/-, a multiplier of 13 was applied and the total loss of income was assessed as Rs.4,60,000/- by the Tribunal. The Tribunal also awarded Rs.50,000/- for pain and suffering and Rs.1,20,000/- for attendant charges; computing the monthly expense at the rate of Rs.2,000/- for five years. The actual bills produced for the medical expenses comes to Rs.1,68,970/- and an additional amount of Rs.50,000/- for nutritional and transportation was granted, thus totaling Rs.8,56,970/-.

4. The High Court marginally enhanced the amount by awarding Rs.50,000/- for pain and suffering and Rs.1 lakh each towards loss of amenities and for future medical treatment. The appeal is filed to enhance the compensation.

5. At the outset, the learned counsel for the claimants relied on ***Oriental Insurance Company Limited v. Kahlon @ Jasmail Singh Kahlon***¹ to impress upon us that despite the death of the injured, the legal representatives of the deceased can pursue the claim since the property under the Act would have a much wider connotation than the conventional definition and would include the estate left behind by the deceased. It was held that if the legal heirs can pursue claims in case of death, there is no reason to prohibit the legal representatives to pursue claims for loss of a property, akin to estate of the injured, if the injured dies subsequently. We see, absolutely no reason to differ from the declaration of law and the insurer also raises no objection on the same. We would consider the enhancement sought by the original applicant, which if granted before her death would have accrued to her estate or rather compensated the loss of her estate;

¹ (2022) 13 SCC 494

caused by reason of the accident, which the legal heirs are entitled to succeed to.

6. The Tribunal and the High Court had adopted a monthly income of Rs.3,000/- for the deceased, a married woman who did not have a regular employment. It was asserted before the Tribunal that she was carrying on stitching and embroidery work, which the Tribunal refused to accept, finding no evidence led.

7. We are also of the opinion that considering the fact that the appellant (deceased) had survived almost 19 years in a vegetative state and there are medical bills produced for treatment undergone subsequently, all of which cannot be said to be a direct consequence of the accident, there is scope for further enhancement. In any event, an additional amount of Rs.1 lakh for future treatment would suffice.

8. The total compensation would be as follows.

| Sr. No. | Heads | Amount |
|----------------|---|------------------------|
| 1. | Medical bills | Rs.1,68,970/- |
| 2. | Special diet and transport charges. | Rs.50,000/- |
| 3. | Pain and suffering | Rs.1,00,000/- |
| 4. | Loss of amenities | Rs.1,00,000/- |
| 5. | Future treatment | Rs.2,00,000/- |
| 6. | Attendant charges | Rs.1,20,000/- |
| 7. | Loss of income 3000 x 110% x 12 x 13 | Rs.5,14,800/- |
| | Total | Rs. 12,53,770/- |

9. The remaining amount, after deducing the amount which is already paid to the claimant shall be paid to the legal heirs of the claimant (deceased) within a period of two months, equally. The legal heirs of the claimant shall provide the separate account details to the insurance company to which accounts the insurance company shall deposit the amount, online, as directed above within the stipulated period with interest as directed by the Tribunal.

- 10.** The appeal is allowed with the above modification.
- 11.** Pending applications, if any, shall stand disposed of.

..... J.
(SUDHANSHU DHULIA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
JULY 14, 2025.**