

NON-REPORTABLE

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

CIVIL APPEAL NO. 248 OF 2026
(Arising out of S.L.P.(C) No.5496 of 2020)

NIRMALA BAI AND OTHERS ... Appellant(s)

... Appellant(s)

VERSUS

MANSINGH & OTHERS ... Respondent(s)

... Respondent(s)

ORDER

1. Leave granted.
2. The claimants are before this Court impugning the order¹ passed by the High Court² seeking further enhancement of compensation. Vide the aforesaid order, the High Court had awarded compensation of ₹16,42,694/- as against ₹14,36,694/- awarded by the Motor Accidents Claims Tribunal, Indore³.
3. Briefly the facts available on record are that in an accident, which took place on 22.11.2014, one Saligram died. The appellants before this Court are the widow of the deceased, one son and one daughter. Widowed mother of the deceased was also a claimant before the Tribunal, however,

1 Dated 29.07.2019 in M.A.No.1037 of 2017

2 High Court of Madhya Pradesh, Bench at Indore

2 High Court of Madhya Pradesh, Bhopal
3 Hereinafter, for short, 'The Tribunal'

she died during the pendency of the proceedings. The claim petition⁴ was filed before the Tribunal by all the claimants. At the time of death, the deceased was 45 years of age and was engaged in cultivating land, animal husbandry and milk vending. Though, it was claimed that he was earning about ₹20,000/- per month, however, no evidence was produced in that regard before the Tribunal. The Tribunal vide its award⁵ taking the income of the deceased Saligram at ₹3,000/- per month, awarded a compensation of ₹14,36,694/-. Claiming enhancement, the claimants/appellants filed M.A.No.1037 of 2017 before the High Court. The compensation was enhanced to ₹16,42,694/- by increasing the income of the deceased from ₹3,000/- to ₹5,000/- per month.

4. Learned counsel for the appellants/claimants submitted that there are patent errors in calculation of compensation by the Tribunal as well as the High Court. The age of the deceased was taken as 45 years and on the basis of that multiplier of 14 was applied, whereas, the deceased was 35 years of age and in terms thereof multiplier of 16 was required to be applied. In support of the aforesaid argument, reliance was placed upon the age of the deceased as

⁴ Claim Case No.105 of 2016

⁵ Award dated 22.02.2017

mentioned in his AADHAR card. It was further submitted that the deceased was survived at the relevant point of time by his mother (since expired), his widow, a son and a daughter. The deceased Saligram was earning about ₹20,000/- per month. His income was taken on lower side. The compensation towards loss of consortium has not been awarded to all the dependents. The rate of interest also needs to be enhanced to 9% p.a. as against 6% p.a.

5. On the other hand, learned counsel for the respondent no.3/Insurance Company submitted that the amount of compensation as was awarded by the Tribunal was fair. However, still the High Court enhanced the same by a further sum of ₹2,06,000/-. It was further submitted that in the absence of any proof, the income of the deceased cannot be increased any further. AADHAR card cannot be accepted as proof of age. There is no ground at all on the basis of which the compensation payable to the appellants can be enhanced any further.

6. Heard learned counsel for the parties and perused the relevant referred record.

7. As far as the age of the deceased is concerned, in our opinion, in the absence of any clinching evidence produced on record by the appellants/claimants, no interference is called for in the aforesaid finding recorded by the Tribunal. A perusal of the memo of parties before the Tribunal shows that when the claim petition was filed in the month of February 2015, the age of son of the deceased Saligram was shown as 17 years. If the deceased was 35 years of age when the accident took place on 22.11.2014, the deceased would have been around 18 years of age at the time of birth of his son. Hence, the argument is unbelievable.

7.1 Insofar as the assessment of income of the deceased is concerned, it was claimed that he was cultivating land. He was also involved in animal husbandry and milk vending. Even if the land which may be owned by the family is still subsisting the contribution of the male member of the family needs to be assessed. There is vast difference between the quality of contribution by a family member as compared to an employee. His working hours are not fixed. Any person who has an opportunity certainly tries to do as much work as he can do to support his family and also see

that they live in comfort. Farming is not a regular vocation. The farmers remain engaged in doing animal husbandry and milk vending as well side by side, which also generates extra income for them. Considering the aforesaid facts, in our opinion, the income of the deceased can be increased from ₹5,000/- per month, as taken by the High Court, to ₹8,000/- per month.

7.2 As far as consortium is concerned, the High Court has awarded merely to the widow of the deceased, however, there were four dependents of the deceased, namely, widow-mother (since expired), widow of the deceased, a son and a daughter. Accordingly, additional sum of ₹1,20,000/- is awarded under that head. Applying the aforesaid changes, the amount of compensation payable to the appellants/claimant is calculated hereinbelow:

| Head | Amount |
|--|--|
| Loss of Dependency | ₹8000 x 12 - 1/3rd + 40% = ₹89,600 ₹89,600 x 15 = ₹13,44,000/- |
| Payment under conventional head | ₹70,000 (15,000 + 15,000 + 40,000) |
| Loss of Consortium to the three remaining dependents | ₹1,20,000 (40,000 x 3) |

| | |
|------------------|---------------------|
| Medical Expenses | ₹7,32,694/- |
| Total | ₹22,66,694/- |

7.3 The enhanced amount shall carry interest at the same rate as was awarded by the High Court from the date of filing of the claim petition till payment. For payment of amount to the claimants the direction issued by this Court in Parminder Singh versus Honey Goyal and Others⁶ be kept in view.

8. The appeal is allowed and the impugned order passed by the High Court is modified to the extent mentioned above.

9. Pending application(s), if any, shall also stand disposed of.

.....J.
(RAJESH BINDAL)

.....J.
(VIJAY BISHNOI)

NEW DELHI;
January 13, 2026.