

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No. 10351/2019)

RANJEET & ANR.

APPELLANT(S)

VERSUS

ABDUL KAYAM NEB & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. In an accident which took place on 13.06.2006, one 'Ramkaran' was alleged to have been hit by the bus leading to his death. An FIR was lodged wherein charge sheet was submitted against the driver of the bus. On the claim being preferred to the Motor Accident Claims Tribunal¹, since, the eye-witnesses were not produced, the Tribunal refused to grant any compensation. The decision of the Tribunal was upheld by the High Court.
4. It is settled in law that once a charge sheet has been filed and the driver has been

1 hereinafter referred to as "the Tribunal".

held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eye-witnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.

5. In view of the aforesaid facts, we are of the opinion that the Tribunal and the High Court both manifestly erred in law in refusing to grant any compensation to the claimants.

6. In the facts and circumstances of the case, we would have remitted the matter to the Tribunal for determination of the compensation to be payable to the claimants. However, looking to the fact that the accident had occurred in the year 2006 and now, we are in 2025, we consider it appropriate to determine the compensation as under considering the evidence on record:

Since the deceased was an agricultural labourer, taking the notional income of the deceased to be Rs.6,000/- i.e. Rs.72,000/- per annum and after deducting 1/3rd towards

personal expenses the dependency comes to Rs.48,000/- per annum. Now applying the multiplier of 15 as the deceased was aged about 38 years, the loss comes to (Rs. 48,000/- x 15) Rs. 7,05,000/-. Adding 40% towards future prospects the amount comes to (Rs. 7,05,000/- + Rs. 2,82,000/-) Rs. 9,87,000/-. To this we add Rs. 15,000/- towards funeral expenses which amount to Rs. 10,02,000/- which amount shall be payable with interest of 6% per annum from the date of claim petition.

In short, the determination of compensation is as under:

S.No.	Particulars	Amount (in Rs.)
1.	Annual Income @ 6,000/- p.m.: = 72,000/- p.a. Deduction of 1/3 rd towards Personal Expenses : = <u>24,000/-p.a.</u> Dependency arrived at : = <u>48,000/- p.a.</u>	
2.	Applying Multiplier of 15 (48,000 x 15) = 7,05,000/- Add: 40% for future prospects (7,05,000 x 40%) = <u>2,82,000/-</u>	9,87,000/-
3.	Add further for funeral expenses Total	15,000/- 10,02,000/-

Note: The aforesaid compensation shall carry interest @ 6% per annum from the date of claim petition till its payment.

7. Accordingly, the impugned order dated

2.7.2018 passed by the High Court of Judicature for Rajasthan in S.B. Civil Miscellaneous Appeal No. 1385 of 2008 and the Order dated 11.12.2007 passed by the Motor Accident Claims Tribunal are set aside and the appeal is allowed in the above terms.

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

.....J.
[PANKAJ MITHAL]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
FEBRUARY 25, 2025.

ITEM NO.18

COURT NO.15

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 10351/2019

[Arising out of impugned final judgment and order dated 02-07-2018 in SBCMA No. 1385/2008 passed by the High Court of Judicature for Rajasthan at Jaipur]

RANJEET & ANR.

PETITIONER(S)

VERSUS

ABDUL KAYAM NEB & ANR.

RESPONDENT(S)

Date : 25-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Anuj Bhandari, AOR
Ms. Disha Bhandari, Adv.

For Respondent(s) Mr. Shyamal Kumar, AOR
Mr. B S Rajesh Agrajit, Adv.
Mr. Siddharth Gosawami, Adv.
Mr. Shivam Singh Tomar, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
ASSISTANT REGISTRAR