2025 INSC 186

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2320 OF 2025
(Arising out of SLP(C)No.12067/2024)

VIJAYALAXMI @ ROOPA V. SHENOY & ANR. …APPELLANT(S)

Versus

NATIONAL INSURANCE CO. LTD. & ORS. …RESPONDENT(S)

O R D E R

Time taken for disposal of the claim petition by MACT	Time taken for disposal of the appeal by the High Court	Time taken for disposal of the appeal in this Court
3 years	5 years	9 months

Leave granted.

2. This appeal is directed against the judgment and order dated 5th October 2020 in MFA No.8847 of 2015 passed by the High Court of Karnataka, Bengaluru, which in turn was preferred against the judgment and order dated 14th August, 2015 passed in MVC No.1858/2012 by the Motor Accidents Claims Tribunal and IInd Addl. Sr. Civil Judge, Mangalore, D.K.

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3. The brief facts giving rise to this appeal are that on 30th September, 2012, the deceased, namely, Vivekananda Shenoy, aged 47 years, was travelling on his motorcycle bearing No.KA-19-EB-4061 from Kavoor towards his house. At Kottara Cross, the offending bus, bearing registration number KA-19-C-7266, collided with the deceased in a rash and negligent manner. Thereafter, he was taken to A.J. Hospital at Mangalore, where he succumbed to the injuries on 3rd October, 2012.

4. A claim petition was filed by the Appellant (wife of the deceased) before the Tribunal seeking compensation to the tune of Rs.1,00,00,000/- submitting therein that the deceased was the only earning member of the family, being a Mechanical Engineer by profession and earning upto Rs.5,00,000/- per annum as per his Income Tax Returns.

5. The Tribunal, by its Order, awarded the Appellants an amount of Rs.13,91,300/- along with interest @ 6% per annum, taking the income of the deceased as Rs.90,000/- per annum. Being aggrieved with the amount of compensation awarded, the Claimant-Appellants filed an appeal before the High Court on the ground that the Tribunal has incorrectly appreciated the monthly income of the deceased. The High Court, *vide* the impugned order, dismissed the appeal holding that there is no scope for further enhancement and that the Tribunal has awarded a just compensation.

6. Dissatisfied, the Claimant-Appellants are now before us. The significant point of challenge is that the Courts below have erred in computing the income

of the deceased, and the High Court has incorrectly observed that Income Tax Returns cannot be accepted as proof of income.

7. We have heard the learned counsel for the parties. We are unable to agree with the view taken by the Tribunal and High Court on the income of the deceased. It has been clarified in ***Malarvizhi & Ors. v. United India Insurance Co. Ltd. & Ors.***[1] that the determination of income must proceed on the basis of Income Tax Return when available, being a statutory document. More recently, this Court in ***New India Assurance Co. Ltd. v. Sonigra Juhi Uttamchand***[2] while determining the income of the deceased therein had observed:

> "8. ….Monthly income could be fixed taking into account the tax returns only if the details of payment of tax are appropriately brought into evidence so as to enable the Tribunal/Court to calculate the income in accordance with law."

8. Adverting to the facts at hand, on a perusal of the Income Tax Return of the deceased for the Financial Year 2012-2013, annexed at Annexure P2, his gross total income is seen to be Rs.1,98,192/- per annum. In the light of the above expositions of law, his income is, therefore, fixed at Rs.1,98,192/- per annum.

1 (2020) 4 SCC 228
2 2025 SCC OnLine SC 9,

9. In view of the aforesaid, the compensation now payable to the Claimant-Appellants would be recalculated as under:

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Yearly Income	Rs. 1,98,192/-	**National Insurance Co. Ltd. v. Pranay Sethi** (2017) 16 SCC 680 *Para 42, 52 & 59*
Future Prospects (25%) (*Age being 47*)	1,98,192 + 49,548 = Rs.2,47,740/-	
Deduction (1/3)	2,47,740 – 82,580 = Rs.1,65,160/-	
Multiplier (13)	1,65,160 X 13 = Rs.21,47,080/-	
Medical Expenses	Rs.1,73,100/-	
Loss of Estate	Rs.18,150/-	
Loss of Funeral Expenses	Rs.18,150/-	
Loss of Consortium	48,400 + 48,400	
Total	**Rs. 24,53,280/-**	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs.13,91,300/-	Rs.13,91,300/-	Rs.24,53,280/-

10. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 14th August, 2015 passed in MVC No.1858/2012 by the Motor Accidents Claims Tribunal and IInd Addl. Sr. Civil Judge, Mangalore, D.K., as affirmed

vide the impugned order stands modified in terms of the above. Interest is to be paid as awarded by the Tribunal

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

……J.
(SANJAY KAROL)

……..…J.
(MANMOHAN)

February 11, 2025;
New Delhi.