

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP (C) No. 26642 of 2025)

**UNITED INDIA
INSURANCE COMPANY LTD.**

APPELLANT(S)

VERSUS

N.P. JOY & ORS.

RESPONDENT(S)

O R D E R

1) In the instant case, the Insurance Company is before us assailing the quantum of compensation in the case where a man aged 95 years died in a road accident occurred on 27.03.2019. The claimant-respondent Nos. 1 to 4 are married sons of the deceased, and maintained claim been legal heirs.

2) The brief facts shorn in details are that on 27.03.2019, at around 6 a.m. when deceased-Sri.Varkey Ouseph @Paily (father of respondent Nos. 1 to 4) was crossing the Erumalapaddy-Puthupaddy road, he was hit by a scooter ridden by respondent No.5 (owner of the vehicle). The deceased was first taken to MSC Hospital,

Muvattupuzha and then to Medical Trust Hospital, Ernakulam, however he succumbed to the injuries on 30.03.2019.

3) Respondent Nos. 1 to 4 preferred O.P.(MV) No.519/2019 under Section 166 of the Motor Vehicles Act, 1988, before MACT¹ claiming compensation on account of death of their father. MACT, *vide* Award dated 25.08.2020, awarded compensation in the following terms:

Heads	Details
Age	95 years
Income	Rs.5,000 pm
Transportation to hospital and back	Rs.3000/-
Extra nourishment	Rs.3000/-
Damages of clothing and articles	Rs.2000/-
Medical expenses	Rs.80,187/-
Funeral expenses	Rs.15,000/-
Pain and suffering	Rs.10,000/-
Loss of dependency, estate and expectation of life	-
Conventional loss of estate	Rs.15000/-
Consortium	Rs.1,60,000/-
Total	Rs.2,88,187/- with interest @ 7%

4) On filing appeal by the respondents-claimant before the High Court, an additional compensation of

1 Motor Accidents Claims Tribunal, Muvattupuzha

Rs.6,07,500/- was granted under the head of "Loss of dependency, estate and expectation of life". Furthermore, an additional sum of Rs. 5,000/- was awarded in the head of "Pain and suffering". Consequently, a total additional compensation of Rs.6,12,500/- @ 7% interest rate was granted in the favor of respondents-claimant.

5) Aggrieved by the enhancement, the Insurance Company has preferred this appeal, contending that in given facts the deceased who was 95 years of age and a dependent on claimant. The claimant cannot be dependent on him. Learned counsel submits that the claimant-sons may be legal heirs, but cannot be dependents for the purpose of assessing loss of dependency. However, urged that the award of Rs.6,12,500/- passed by the High Court is a 'bonus' which is not permissible under the law.

6) On the other hand, learned counsel appearing for respondents placed reliance on the judgment of **National Insurance Company Limited v. Birender and Others**² to submit that in the said case also, major sons were

2 (2020) 11 SCC 356

awarded compensation.

7) Having considered the submissions as made and looking to the facts of the case of **Birender (supra)**, it is clear that in the said case, mother of the claimants aged 48 years died in the accident on 20.10.2014 and the father of the claimants had already died, however, the claimants who were agricultural laborers on contractual basis and earning a meager sum between Rs. 1,00,000/- and Rs. 1,50,000/- per annum, therefore, this Court treated them dependent on the mother and awarded compensation applying the law enunciated in the judgment of **Sarla Verma v. DTC**³ and **National Insurance Co. Ltd. v. Pranay Sethi**⁴. For reference the relevant para of the **Birender (supra)** is reproduce as thus:

“14. It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of

3 (2009) 6 SCC 121

4 (2017) 16 SCC 680

the Tribunal to consider the application irrespective of the fact whether the legal representative concerned was fully dependent on the deceased and not to limit the claim towards conventional heads only. **The evidence on record in the present case would suggest that the claimants were working as agricultural labourers on contract basis and were earning meagre income between Rs 1,00,000 and Rs 1,50,000 per annum. In that sense, they were largely dependent on the earning of their mother and in fact, were staying with her, who met with an accident at the young age of 48 years."**

8) In our opinion, the aforementioned judgment is distinguishable on facts and inapplicable to the facts of the present case. Given that the deceased was 95 years of age, he would have been dependent upon his family members, including the claimant-sons. Furthermore, the claimant-sons have failed to place any evidence on record to substantiate their dependency upon the deceased. In absence of any such evidence or proof to the contrary, this Court is of the considered view that the respondent cannot derive any benefit of the said judgment in the facts of the present case. Accordingly, the claimant-sons may be legal heirs, but

not the dependents of the deceased for computing and awarding the compensation under the head of loss of dependency.

9) Therefore, taking note of all the attending circumstances, we are inclined to maintain the Award passed by the MACT and set aside the enhanced Award of the High Court. Learned counsel for the Insurance Company submits that payment of amount as awarded by the MACT has already been released to the claimant-respondent Nos. 1 to 4 which has also been indicated in the affidavit dated 23.09.2025 filed before this Court.

10) Accordingly, the appeal is allowed and the order of the High Court stands set aside restoring that of the MACT.

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

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
April 24, 2026.

ITEM NO.41

COURT NO.3

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 26642/2025

[Arising out of impugned final judgment and order dated 06-11-2024 in MACA No. 451/2021 passed by the High Court of Kerala at Ernakulam]

UNITED INDIA INSURANCE COMPANY LTD.

Petitioner(s)

VERSUS

N.P. JOY & ORS.

Respondent(s)

Date : 24-04-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mr. Guntur Pramod Kumar, AOR

For Respondent(s) :

Mr. Mohit Paul, AOR
Ms. Rangoli Seth, Adv.
Mr. Rohit, 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.
- Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]