

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2023  
(ARISING OUT OF SLP (CIVIL) NO. 7805 OF 2022)

THE NEW INDIA ASSURANCE COMPANY LIMITED

Appellant(s)

VERSUS

ANAND PAL & ORS.

Respondent(s)

**O R D E R**

Leave granted.

2. Heard Mr. Aditya Kumar, learned counsel appearing for the appellant (Insurance Company). Also heard Mr. Ashok Kumar Sharma, learned senior counsel appearing for the respondents (claimants).

3. It is pointed out on behalf of the Insurance Company that the respective claimant Nos. 1, 7 and 11 - Anand Pal, Satish Kumar and Sanjay Kumar, who are brothers of the deceased victim, could not be said to be dependent, on the earnings of the victim. Mr. Kumar points out that the three are older married brothers with their respective children and although occasional help could be provided by the deceased for his family members, that cannot alter their status to that of dependents, entitled to claim compensation.

4. In support of his contention, Mr. Kumar relies on *Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr.* reported in (2009) 6 SCC 121 wherein this Court held as under:

"31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would

tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father."

5. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents as because they will either be independent and earning, or married, or be dependent on the father.

6. On the above, Mr. Ashok Kumar Sharma, learned senior counsel refers to the evidence to point out that although deceased was having separate residence, he used to frequently visit his siblings and also have meals together with the brothers. Accordingly, it is argued that the brothers cannot be said to be separate from the victim.

7. On the above, it is necessary for us to be conscious that there are two family registers. This would indicate that the victim resided separately as was noted by the Motor Accident Claims Tribunal. The siblings of the victim were older and were married with their own respective families. In these circumstances, they being dependent on the victim's earnings is unlikely particularly when the victim resided separately.

8. Looking at the above, the Tribunal and the High Court should not have considered the three older married siblings, to be

dependent on the deceased victim. The compensation awarded to the married siblings is therefore found to be unmerited. The appeal is accordingly allowed by setting aside the impugned award of the Motor Accident Claims Tribunal as upheld by the High Court under the impugned judgment.

9. Pending application(s), if any, shall stand closed.

.....J.  
(HRISHIKESH ROY)

.....J.  
(SANJAY KAROL)

NEW DELHI;  
DECEMBER 04, 2023.

