

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 16th OF JUNE, 2025

Review Petition No. 1493 of 2024

DIVISIONAL MANAGER, NATIONAL INSURANCE COMPANY LTD.

Vs.

SMT. MEENU AND OTHERS

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Appearance

Shri D.N. Shukla – Advocate for the review petitioner.

Shri Aakash Malpani – Advocate for respondent Nos.1 to 3, 6 and 7.

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Reserved on : 11.02.2025

Pronounced on : 16.06.2025

ORDER

By this review petition filed under Section 114 read with Order 47 of the Code of Civil Procedure, the review petitioner/Insurance Company is seeking modification in the judgment dated 22.11.2024 passed by this Court in Misc. Appeal No.2195 of 2013 [Smt. Meenu and others Vs. Sukhdev @ Jagdish Thakur and others].

2. Learned counsel for the review petitioner is seeking modification in the aforesaid judgment mainly on the ground that though this Court has determined the annual income of deceased applying the future prospect @40%, but according to him, in view of the law laid down by the Supreme Court in a case reported in **(2017) 16 SCC 680 [National Insurance Company Limited Vs. Pranay Sethi and others]**, it should be on a lower side i.e. @25%. As such, it is prayed that the impugned judgment passed

by this Court may kindly be modified accordingly.

3. Considering the submissions made by learned counsel for the review petitioner/Insurance Company and on perusal of case on which reliance has been placed i.e. **Pranay Sethi** (supra), the impugned judgment dated 22.11.2024 passed in Misc. Appeal No.2195 of 2013 is being modified in the following manner:-

(3.1) Though, this Court had determined the annual income of the deceased @ Rs.01,15,542.35 and thereafter over the said amount, applied 40% towards future prospects, but in view of the law laid down in the case of **Pranay Sethi** (supra), percentage towards future prospect should be 25% and after applying the same, the total annual income of the deceased (Rs.01,15,542.35 + Rs.28,885.58) would come to Rs.01,44,427.93.

(3.2) With a $\frac{1}{4}$ deduction, the annual loss of dependency (Rs.01,44,427.93 – Rs.36,106.98) would be Rs.01,08,320.94.

(3.3) Now with regard to compensation for loss of income (01,08,320.94 X 14) would come to Rs.15,16,493.26.

(3.4) So far as funeral expenses, loss of estate and consortium are concerned, in view of the law laid down in the case of **Pranay Sethi** (supra), the same would come to Rs.15,000/-, Rs.15,000/- and Rs.2,00,000/- (Rs.40,000/- X 5 dependents) respectively. However, it is further made clear that in view of the law laid down in the case of **Pranay Sethi** (supra), the amounts mentioned above need to be further enhanced @10% in every three years and as such, the enhanced amount in the respective heads would be Rs.18,150/-, Rs.18,150/- and Rs.02,42,000/-.

(3.5) Under such circumstances, the modified enhanced amount would come to Rs.17,94,793.26.

(3.6) Hence, this review petition is **allowed**. Accordingly, the impugned judgment dated 22.11.2024 passed in Misc. Appeal No.2195 of 2013 is modified to the extent that instead of Rs.08,18,472.58, respondents/claimants are entitled to get compensation to the tune of Rs.07,64,793.26. However, the reaming part of the impugned judgment shall remain as it is.

(SANJAY DWIVEDI)
JUDGE

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