

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.73 OF 2010
(Arising out of S.L.P(C) No. 4885 of 2005)

Smt. Deepa Garg & Ors.

..Appellants

Versus

Rakesh Kumar & Ors.

...Respondents

O R D E R

1. Leave granted.
2. This appeal is directed against a judgment and order passed by the High Court of Uttaranchal at Nainital in appeal from CMA No. 463 of 2001, affirming the Judgment and award dated 31st of May, 1999 passed by the Motor Accidents Claims Tribunal/ Additional District Judge, Roorkee (in short, "the Tribunal") in Motor Accident Claim No. 36 of 1995 whereby the Tribunal had awarded Rs.7,77,500/- as compensation to the claimants/appellants along with 12% simple interest against the National Insurance Company Limited.
3. We have heard the learned counsel for the parties and examined the impugned judgments very carefully in depth and in detail. After some arguments were advanced by the learned counsel for the parties, the parties have agreed before us that this appeal may be disposed of on compromise in the following manner :-
 - a) The total compensation may be fixed at Rs. 10 Lakhs with simple interest @ 12% per annum, which shall be paid by the Insurance Company, the respondent herein, to the appellants within three months from this date.
 - b) The interest shall be payable at the aforesaid rate from the date of making the application i.e. on and from 22 nd of May, 1991.
 - c) If the aforesaid amount, as fixed above, is not paid within three months from this date, the appeal shall

stand disposed of fixing the total compensation at
Rs.10 lakhs with simple interest @ 12 % per annum
and the appellant would be entitled to recover the
said amount as awarded by us by executing the same in
accordance with law.

d) If the amount of compensation and the other amount
namely, the interest, is paid within the time specified
hereinabove, the judgment of the High Court and the
award of the Tribunal shall stand modified to the
extent indicated above and the application for payment
of compensation filed at the instance of the appellant
shall stand satisfied.

4. The appeal is accordingly disposed of on compromise. There
will be no order as to costs.

.....J.
[Tarun Chatterjee]

J.
[Surinder Singh Nijjar]

New Delhi.
January 07, 2010.
ITEM NO.36
(For orders)

COURT NO.3

SECTION X

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

Petition(s) for Special Leave to Appeal (Civil) No(s).4885/2005

(From the judgement and order dated 04/08/2004 in CMA No. 463/2001
of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

SMT. DEEPA GARG & ORS

Petitioner(s)

VERSUS

RAKESH KUMAR & ORS.

Respondent(s)

(With office report)

Date: 07/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr.Gaurav Agrawal, Adv.
Mr.Arjun Krishnan, Adv.
Mr. Chiraranjan Addey,Adv.

For Respondent(s) Mr.Ajay Majithia, Adv.
Mr.Rajesh Kumar, Adv.

Dr. Kailash Chand,Adv.

Mr. Parmanand Gaur,Adv.

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

Leave granted.

The appeal is disposed of on compromise in terms of the
signed order. There will be no order as to costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed non-reportable order is placed on the file)