

THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8792 OF 2015
(ARISING OUT OF S.L.P. (C) NO.17505 OF 2013)

S. PRADEEP ..APPELLANT(S)

VERSUS

H.R. BASAVARAJU AND ANR. ..RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Karnataka at Bangalore in M.F.A.No.13054 of 2007 (MV), dated 09.08.2012, whereby and whereunder the High Court, has awarded additional compensation of Rs.1,00,000/- over and above the sum awarded by the Motor Accident Claims Tribunal (for short 'the Tribunal') with 6% p.a. interest from the date of filing of the claim petition till payment.

3. The appellant/claimant has met with an accident and suffered severe head injury and fracture to his right arm. On the claim made by the appellant/claimant, the Tribunal at Tumkur, had awarded a compensation of Rs.4,88,321/- with interest at the rate of 6 per cent per

annum from the date of filing of the petition till actual realization.

4. Being aggrieved by the compensation so awarded by the Tribunal, the appellant-claimant preferred an appeal before the High Court. The High Court, by its impugned judgment and order, has awarded additional compensation of Rs.1,00,000/- over and above the sum awarded by the Motor Accident Claims Tribunal (for short 'the Tribunal') with 6% p.a. interest from the date of filing of the claim petition till payment. Aggrieved by the judgment and order passed by the High Court, the appellant/claimant is before us in this appeal.

5. Ms.Neerja Sachdeva, learned counsel is directed to take notice for respondent no.2- insurance company. The insurance company shall settle her professional fee within two months' time.

6. After looking into the records and going through the judgments and orders passed by the Tribunal as well as the High Court and keeping in view the peculiar facts and circumstances of the case, we are of the opinion that the compensation awarded by the High Court be further

enhanced by another sum of Rs.4,00,000/- with interest at the rate of 6 per cent on the enhanced amount from the date of the order passed by the High Court.

7. Accordingly, while allowing this appeal, we modify the judgment and order passed by the High Court. The appellants/claimants are now entitled for a sum of Rs.4,00,000/- over and above the compensation so awarded by the High Court with interest at the rate of 6 per cent on the enhanced amount from the date of the order passed by the High Court.

8. We clarify that the compensation shall be paid by the respondent no.2-insurance company as expeditiously as possible at any rate within a period of six weeks from today, without any deductions whatsoever.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 15, 2015.

ITEM NO.17

COURT NO.1

SECTION IVA

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(s). 17505/2013

(Arising out of impugned final judgment and order dated 09/08/2012
in MFA No. 13054/2007 passed by the High Court Of Karnataka At
Bangalore)

S. PRADEEP

Petitioner(s)

VERSUS

H.R. BASAVARAJU & ANR.

Respondent(s)

Date : 15/10/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRAFor Petitioner(s) Mr.Naik, H.K.,Adv.
Mr.B.V.Bhandarkar, Adv.
Mr. Naresh Kumar,Adv.

For Respondent(s) Ms.Neerja Sachdeva, Adv.

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

Leave granted.

The appeal is allowed, in terms of the signed order.

Pending application(s), if any, is/are disposed of.

(G.V.Ramana)
AR-cum-PS(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)