

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3626 OF 2015
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 13520 OF 2013)

MANJU SAINI AND ORS.

...APPELLANT(S)

VERSUS

PUSHPA SHARMA 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 Rajasthan, Jaipur Bench in S.B. Civil Misc. Appeal No.2706 of 2006, whereby and whereunder the High Court has affirmed the order passed by the learned Tribunal and dismissed the appeals filed by Insurance Company and the appellants herein. Aggrieved by the same, the appellants have filed this appeal, by Special Leave.

3. The appellants-claimants are the family members of the deceased, an advocate by profession, who met with an accident and succumbed to his injuries. On the claim made by the appellants-claimants the Motor Accident Claims Tribunal, Jaipur City, Jaipur has awarded a compensation of Rs.6,67,000/- with interest at the rate of 6% per annum from the date of filing the claim petition, i.e. 20.10.2004 till the actual realization of the amount.

Signature Not Verified

Digitally signed by

Ramana Venkata Ganti
Date: 2015.07.02
16:43:16 IST
Reason:

Besides that an amount of Rs.3,42,000/- and interest thereon was granted to the claimant No.1 namely Smt. Manju Saini.

Out of this amount Rs.1,42,000/- was directed to be given to her

in cash while Rs.2,00,000/- and interest thereon be given in fixed deposit for five years term account. Rs.75,000/- each was granted to the claimant Nos.2 and 3 before it with certain directions.

4. Being aggrieved by the award so passed by the Tribunal, the appellants-claimants preferred appeal before the High Court. The High Court by its impugned judgment and order has dismissed the appeals filed before it. Aggrieved by the order so passed by the High Court, the appellants-claimants are before us in this civil appeal.

5. Heard learned counsel for the parties to the lis.

6. After going through the judgment(s) and order(s) 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 Tribunal be enhanced by another sum of Rs.7,50,000/- with 6 per cent interest per annum 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 Tribunal. The appellants/claimants are now entitled for an amount of Rs.7,50,000/- over and above the compensation awarded by the Tribunal with interest at the rate of 6 per cent on the enhanced amount from the date of order passed by the High Court. The

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compensation so enhanced shall be paid after deducting the amount already paid, if any.

8. We clarify that the compensation shall be paid by the respondent - Bajaj Allianz General Insurance Company Ltd. as expeditiously as possible at any rate within a period of four weeks from today.

Ordered accordingly.

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

(Arising out of impugned final judgment and order dated 16/08/2012
in SBCMA No. 2706/2006 passed by the High Court Of Rajasthan At
Jaipur)

MANJU SAINI & ORS.

Petitioner(s)

VERSUS

PUSHPA SHARMA AND ANR.

Respondent(s)

(with office report)

Date : 10/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr.Amit Aggarwal, Adv.
Mr.Pardeep Chandra, Adv.
Mr. A. Venayagam Balan,Adv.
Ms.V.S.Lakshmi, Adv/

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

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

Leave grantd.

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

(G.V.Ramana)
Court Master
(Signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar