

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10457 OF 2013  
(Arising out of SLP(C) No. 25681 of 2013)

|Subhagini Pradhan & Ors. |.. APPELLANTS |

Versus

|Subash Swain & Anr. |.. RESPONDENTS |

O R D E R

1. Leave granted.

2. This appeal, by special leave, is directed against the judgment and order passed by the High Court of Orissa in M.A.C.A. No. 421 of 2006, dated 03.08.2012.

3. The appellants/claimants are the wife and children of the deceased who met with an accident and succumbed to his injuries. On the claim petition filed by the appellants/claimants, the Motor Accidents Claims Tribunal, Jagatsinghpur (for short, 'the Tribunal') had awarded a compensation of Rs.6,00,000/- along with interest at the rate of 6 per cent from the date of filing of the petition.

4. Being aggrieved by the award so passed by the Tribunal, the appellants/claimants preferred appeal before the High Court. The High Court by the impugned judgment and order has enhanced the compensation from Rs.6,00,000/- to Rs.6,50,000/- along with interest at the rate of 6 per cent from the date of filing of the petition. 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 carefully 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 High Court be further enhanced by another sum of Rs.4,00,000/-.

7. Accordingly, we allow this appeal and set aside the judgment and order passed by the High Court. The appellants/claimants are now entitled for a compensation of Rs.4,00,000/- over and above the award passed by the High Court with interest at the rate of 6 per cent on the enhanced amount from the date of order passed by the Tribunal. The compensation so enhanced by us shall be paid after deducting the amount already paid, if any.

.....J.  
[H. L. DATTU]

.....J.  
[RANJANA PRAKASH DESAI]

NEW DELHI;  
NOVEMBER 20, 2013.

ITEM NO.13

COURT NO.3

SECTION XIA

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 (Civil) No(s).25681/2013

(From the judgement and order dated 03/08/2012 in MACA No.421/2006 of  
The HIGH COURT OF ORISSA AT CUTTACK)

SUBHAGINI PRADHAN & ORS.

Petitioner(s)

VERSUS

SUBASH SWAIN & ANR.

Respondent(s)

(With office report)

Date: 20/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. Chitta Ranjan Mishra, Adv.  
Mr. Rajesh Sharma, Adv.  
Mr. Debasis Misra, Adv.

For Respondent(s) Mr. Mohan Babu Agarwal, Adv.  
Mr. Chitanya Siddharth, Adv.  
Mr. Nitin Kr. Thakur, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

| [ Charanjeet Kaur ] | | [ Vinod Kulvi ] |  
|Court Master | |Asstt. Registrar |

[ Signed order is placed on the file ]

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