

rITEM NO.129

COURT NO.6

SECTION IVA

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

CIVIL APPEAL NO(s). 5043 OF 2007

SUSHEELA K.NAYAK & ORS.

Appellant (s)

VERSUS

NATIONAL INSURANCE CO.LTD.& ANR.

Respondent(s)

(With prayer for interim relief)

Date: 28/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. S.N. Bhat,Adv.

For Respondent(s) Mr. M.K. Dua,Adv.

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

The Appeal is disposed of in terms of the signed
order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5043 OF 2007

Susheela K.Nayak & Others

..Appellants

versus

National Insurance Co. Ltd. & Another

..Respondents

O R D E R

Appellants are aggrieved by the quantum of
compensation.

The Motor Accident Claims Tribunal had granted

compensation to the tune of ` Ten Lakhs Forty Five Thousand Seventy along with interest at the rate of six per cent from the date of application till its realisation.

On appeal, the High Court has reduced it to ` Five Lakhs Twenty Two Thousand Two Hundred. It included ` Four lakhs ninety nine thousand two hundred towards loss of dependency.

In the counter affidavit filed by respondent No.1, it has been stated that the compensation for loss of dependency would work out to ` Seven Lakhs Twenty Thousand.

In the facts and circumstances of the case, we are of the opinion that appellant shall be entitled to a sum of ` Seven Lakhs Twenty Thousand as compensation for loss of dependency.

Accordingly, we modify the order of the High Court
CIVIL APPEAL NO.5043 OF 2007

-2-

and hold that total loss of dependency would be ` Seven Lakhs and Twenty Thousand. The Appellants shall also be entitled to other losses assessed by the High Court. The Appellants shall also be entitled to interest on the balance amount at the rate of six per cent from the date of application till the date of payment. Respondent No.1 shall make the payment to the appellants within three months from today.

The Appeal stands disposed of in the aforesaid terms.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 28, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]