

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10456 OF 2013
(@ SPECIAL LEAVE PETITION (C) NO.23233 OF 2013)

LEELABAI & ORS.

APPELLANTS

VERSUS

MUBARIK KHAN & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Madhya Pradesh, Bench at Indore in Miscellaneous Appeal No.985 of 2011, dated 14.12.2011.

3. The appellants/claimants are the family members of the deceased who met with an accident and succumbed to his injuries. He was working as a sainik in the Office of District Commandant Home Guard, Ratlam. On the claim made by the appellants/claimants, the Motor Accidents Claims Tribunal, Jaora, District Ratlam (for short 'the Tribunal') had awarded a total compensation of Rs.3,90,000/- with interest at the rate of 6 per cent per annum from the date of the petition till its realization.

4. Being aggrieved by the compensation so awarded by the Tribunal, the appellants/claimants preferred an appeal before the High Court. By the impugned judgment and order, the High Court has enhanced the compensation awarded by the Tribunal by a sum of Rs.1,00,000/- along with interest at the rate of 8 per cent. Aggrieved by the judgment and order 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 by the High Court and in view of the peculiar facts and circumstances of the case, we are of the opinion that the amount of compensation awarded by the High Court needs to be further enhanced by another sum of Rs.2,00,000/-.

7. Accordingly, while allowing this appeal, we modify the judgment and order passed by the Courts below. The appellants/claimants are now entitled for a compensation of Rs.2,00,000/- over and above the compensation awarded by the High Court along with interest at the rate of 6 per cent on the enhanced amount after deducting the amount already paid, if any, from the date of the order passed by the Tribunal.

.....J.
(H.L. DATTU)

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 20, 2013
ITEM NO.11

COURT NO.3

SECTION IVA

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).23233/2013

(From the judgement and order dated 14/12/2011 in MA No.985/2011 of the

HIGH COURT OF M.P. AT INDORE)

LEELABAI & ORS.

Petitioner(s)

VERSUS

MUBARIK KHAN & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

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.Arpit Gupta, Adv.
For Mr. V.K. Sidharthan,Adv.

For Respondent(s)

Ms.Suman Bagga, Adv.
For Mr. Chander Shekhar Ashri,Adv.

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

Leave granted.

Appeal allowed, in terms of the signed order.

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

(Vinod Kulvi)
Asstt.Registrar