

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6177 OF 2012

VISHAL OJHA & ORS. ..APPELLANT(S)

VERSUS

SUNIL KUMAR AND ORS. ..RESPONDENT(S)

W I T H

CIVIL APPEAL NO.11350 OF 2013

SMT. PRABHA OJHA ..APPELLANT(S)

VERSUS

NATIONAL INSURANCE CO. LTD.AND ORS. ..RESPONDENT(S)

O R D E R

1. These appeals are directed against the judgment and order passed by the Common judgment and order of the High Court of Judicature for Rajasthan at Jaipur in D.B.Special Appeal (Civil) No.32 of 2002 in S.B. Civil Misc.Appeal No.1504 of 2000, dated 16.11.2011, whereby and whereunder the Division Bench of the High Court has allowed the appeal filed by the respondent-Insurance Company and set aside the award passed by the Motor

Accident Claims Tribunal, Beawar (for short 'the Tribunal') and the order of the learned Single Judge and reduced the amount of compensation to Rs.2,15,000/- with interest at the rate of 9% per annum.

2. The appellants/claimants are the family members of the deceased, who met with an accident and succumbed to his injuries. On the claim made by the appellants/claimants, the Tribunal had awarded a compensation of Rs.53,62,000/- with interest at the rate of 12 per cent per annum.

3. Being aggrieved by the compensation so awarded by the Tribunal, the insurance company preferred appeal before the High Court. The learned single Judge of the High Court, by impugned judgment and order, allowed the appeal filed by the respondent-insurance company and reduced the amount of compensation to Rs.26,81,000/-. Further aggrieved the insurance company has again approached the Division Bench of the High Court, which, by its impugned judgment(s) and order(s) has further reduced the amount of compensation to Rs.2,15,000/-. Aggrieved by the judgment(s) and order(s) passed by the

High Court, the appellants-claimants are before us, in these appeals.

4. Heard learned counsel for the parties to the *lis*.

5. After 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 learned single Judge of the High Court be restored and the impugned judgment(s) and order(s) passed by the Division Bench of the High Court be set aside with interest at the rate of 6 per cent per annum from the date of the order passed by the learned single Judge of the High Court.

6. Accordingly, while allowing these appeals, we set aside the judgment(s) and order(s) passed by the Division Bench of the High Court and restore the order passed by the learned single Judge of the High Court with interest at the rate of 6 per cent per annum from the date of the order passed by the learned single Judge of the High Court.

7. We clarify that the compensation shall be paid by the respondent-insurance company, as expeditiously as possible at any rate within a period of six weeks from today to the appellants-claimants.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015.

ITEM NO.44

COURT NO.1

SECTION XV

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

Civil Appeal No(s). 6177/2012

VIHSAL OJHA & ORS.

Appellant(s)

VERSUS

SUNIL KUMAR & ORS.

Respondent(s)

(with interim relief and office report)

WITH C.A. No. 11350/2013

(With Office Report)

Date : 07/10/2015 These appeals were called on for hearing today.

CORAM :

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

For Appellant(s)

Mr.Pradeep Aggarwal,Adv.
Mr.Lal Pratap Singh, Adv.
Mr.Umesh Pratap Singh,Adv.
Ms. Ruchi Kohli,Adv.

Mr. Aruneshwar Gupta,Adv.
Ms.Anu Priya, Adv.

For Respondent(s)

Mr. M. C. Dhingra,Adv.

Mr. Rabin Majumder,Adv.

Mr.S.L.Gupta, Adv.
Mr.Varinder Kr.Sharma,Adv.
Mr.Rajeeb Kr.Sahu, Adv.
Mr.M.K.Thakur, Adv.
Ms. Shalu Sharma,Adv.

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

The Civil Appeals are allowed, in terms of the signed order.

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

(G.V.Ramana)

AR-cum-PS

(Signed order is placed on the file)

(Vinod Kulvi)

Asstt.Registrar