

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5111 OF 2015
(Arising out of SLP(C) No. 11331 of 2012)

FATMA BI & ORS. .. APPELLANT(S)

Versus

ASHISH & ANR. .. 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. 2873 of 2011, dated 13.12.2011.
3. The appellants/claimants are the family members of deceased who met with an accident and succumbed to his injuries. On the claim petition filed by the appellants/claimants, the Motor Accident Claims Tribunal, Ratlam, Madhya Pradesh, (for short, "the Tribunal") had awarded a compensation of Rs.4,41,500/- .

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 by Rs.1,25,000/- along with interest at the rate of 8 per cent. 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.5,00,000/-.

7. Accordingly, while allowing this appeal, we modify the judgment and order passed by the High

Court. The appellants/claimants are now entitled for an enhanced amount of Rs.5,00,000/- over and above the compensation so awarded by the High Court along with interest at the rate of 8 per cent on the enhanced amount from the date of the order passed by the High Court. The compensation so enhanced by us shall be paid after deducting the amount already paid, if any.

8. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

.....J.
[AMITAVA ROY]

NEW DELHI;
JULY 08, 2015

ITEM NO.39

COURT NO.1

SECTION IVA

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 (C) No(s). 11331/2012

(Arising out of impugned final judgment and order dated
13/12/2011 in MA No. 2873/2011 passed by the High Court Of M.P
At Indore)

FATMA BI & ORS.

Petitioner(s)

VERSUS

ASHISH & ANR.

Respondent(s)

(With appln. (s) for c/delay in filing process fee and office
report)

Date :08/07/2015 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Ms. Rupali, Adv.
Mr. Nitin Bhardwaj, Adv.

For Respondent(s) Mr. S.K. Ray, Adv.
Mr. R.N. Poddar, Adv.
Mr. Amitava Poddar, Adv.

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

Delay condoned.

Leave granted.

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

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]