

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9489 OF 2013
(Arising out of SLP(C) No. 25567 of 2011)

|Ganeshi Bai Pal |.. Appellant(s) |

Versus

|Ram Kumar Kushwaha & Ors. |.. Respondent(s) |

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 Madhya Pradesh at Gwalior Bench in Misc. Appeal No. 670 of 2009, dated 15.12.2010.

3. The claimant/ appellant while going with her husband on motor cycle hit by the bus and sustained grievous injuries on leg. On the claim petition preferred by the claimant/ appellant the First Additional Motor Accidents Claims Tribunal, Gwalior (for short, "the Tribunal") had awarded a compensation of Rs.72,800/- with interest at the rate of 6 per cent from the date of filing of the claim petition till the actual date of payment.

4. Being aggrieved by the compensation so awarded by the Tribunal, the claimant/appellant had preferred an appeal before the High Court. By the impugned judgment and order, the High Court while partly allowing the appeal has awarded a total compensation of Rs.2,75,000/- and thereafter deducted the amount of Rs.72,800/- so awarded by the Tribunal and held that the claimant is now entitled to an enhanced amount of Rs.2,02,200/- with interest at the rate of 6 per cent on the enhanced amount.

5. Heard learned counsel for the parties to the lis.

6. Having perused the judgment(s) and order(s) passed by the Tribunal as well as by the High Court, and keeping in view the peculiar facts and circumstances of the case we are of the opinion that the amount of compensation so awarded by the High Court needs to be enhanced from Rs.2,75,000/- to Rs.6,00,000/- with interest at the rate of 8 per cent.

7. Accordingly, while allowing this appeal we set aside the judgment(s) and order(s) passed by the Courts below. The claimant/appellant is now entitled for a compensation of Rs.6,00,000/- after deducting the amount already paid, if any, with interest at the rate of 8 per cent per annum from the date of the order passed by the Tribunal.

8. The Civil Appeal is disposed of accordingly.

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

.....J.

NEW DELHI,
OCTOBER 23, 2013.

ITEM NO. 29

COURT NO.4

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 (Civil) No(s).25567/2011

(From the judgement and order dated 15/12/2010 in MA No.670/2009 of The
HIGH COURT OF M.P AT GWALIOR)

GANESHI BAI PAL

Petitioner(s)

VERSUS

RAM KUMAR KUSHWAHA & ORS.

Respondent(s)

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

Date: 23/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Dinesh Kr. Triwary, Adv.
Mr. Chandan Kr., Adv.
Mr. V.S. Mishra, Adv.
Mr. N.N. Jha, Adv.
Mr. Raghvendra Tiwari, Adv.
Mr. Santosh Kumar Tripathi, Adv.

For Respondent(s) Mr. Rajesh Kumar Gupta, Adv.

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

Leave granted.

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

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

[Signed order is placed on the file]
