

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).
13612-13613/2014

(Arising out of impugned final judgment and order dated 28/01/2013
in MFA No. 8589/2009,28/01/2013 in CROB No. 75/2011 passed by the
High Court Of Karnataka At Bangalore)

ANIL KUMAR SAXENA & ANR Petitioner(s)

VERSUS

M.D BMTC Respondent(s)

(with office report)

Date : 05/01/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. V. N. Raghupathy,Adv.

For Respondent(s)

Mr. R.S. Hegde, Adv.
For Mr. Rajeev Singh,Adv.

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

Leave granted.
The appeals are allowed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Indu Pokhriyal)
Court Master

Signature Not Verified

(Signed order is placed on the file)

Digitally signed by
Sukhbir Paul Kaur
Date: 2015.01.07
11:07:47 IST
Reason:

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 11-12 OF 2015
(Arising out of S.L.P.(C) Nos. 13612-13613 of 2014)

ANIL KUMAR SAXENA AND ANOTHER

Appellant(s)

Versus

THE MANAGING DIRECTOR, B.M.T.C.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the judgment and order dated 28.1.2013 passed by the High Court of Karnataka at Bangalore in M.F.A. No. 8589 of 2009(MV) and M.F.A. CROB. No. 75 of 2011 in M.F.A. No. 8589 of 2011(MV) whereby the High Court allowed the appeal filed by the respondent herein and reduced the compensation awarded by the Motor Accident Claims Tribunal at Bangalore from Rs.4,32,134/- to Rs.2,38,334/- and dismissed the cross objection along with the application for condonation of delay in filing the said cross objection preferred by the appellant herein.

It is a case where a young boy aged 18 years died in a motor vehicle accident while he was

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in the first year of Engineering.

The High Court reduced the compensation merely for the reason that the claimant did not show to the Court that the deceased was gainfully employed.

Be that as it may, we are of the view that the order of the High Court reducing the compensation is unwarranted and unjustified.

In the peculiar facts and circumstances of the case, we allow the appeals, set aside the order of the High Court and restore the Award passed by the Tribunal. The amount of Rs.4,32,134/-, as awarded by the Tribunal, shall be paid to the claimants along with interest at the rate of 9% per annum from the date of the Award.

.....J.
(M.Y. EQBAL)

.....J.
(KURIAN JOSEPH)

New Delhi,
January 05, 2015