

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9182 OF 2015
(Arising out of S.L.P. (C)No.26527 of 2014)

B. VIJAYALAXMI AND ORS. . . APPELLANT (S)

VERSUS

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE CO.LTD.
AND ORS. . . RESPONDENT (S)

O R D E R

1. Leave granted.
2. This appeal is directed against the judgment and order passed by the High Court of Karnataka, Circuit Bench at Gulbarga in M.F.A.No.32746 of 2011 (MV), dated 06.08.2013, whereby and whereunder the High Court has enhanced the amount of compensation awarded by the Tribunal from Rs.5,75,000/- to Rs.8,20,000/- with interest @6% p.a. on the enhanced amount from the date of filing of claim petition till the date of payment.
3. 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 Additional District Judge (Motor Accident Claims Tribunal), Raichur (for short 'the Tribunal'), had awarded a compensation of Rs.5,75,000/- with interest at the rate of 6 per cent from the date of filing of the petition till date of payment.

4. Being aggrieved by the compensation so awarded by the Tribunal, the appellants-claimants preferred an appeal before the High Court. The High Court, by its impugned judgment and order, has enhanced the amount of compensation awarded by the Tribunal from Rs.5,75,000/- to Rs.8,20,000/- with interest @6% p.a. on the enhanced amount from the date of filing of claim petition till the date of deposit. Aggrieved by the judgment and order passed by the High Court, the appellants/claimants are before us in this appeal.

5. We have heard learned counsel for the parties to the *lis*.

6. After going through the records and 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 High Court be further enhanced by another sum of Rs.2,50,000/- with interest at the rate of 6 per cent on the enhanced amount from the date of the order passed by the High Court.

7. Accordingly, while allowing this appeal, we modify the judgment and order passed by the High Court. The appellants/claimants are now entitled for another sum of Rs.2,50,000/- over and above the compensation so awarded by the High Court with interest at the rate of 6 per cent on the enhanced amount from the date of the order passed by the High Court.

8. We clarify that the compensation shall be paid by the respondent No.1 Insurance Company as expeditiously as possible at any rate within a period of six weeks from today, without any deductions whatsoever.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 27, 2015.

ITEM NO.98

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). 26527/2014

(Arising out of impugned final judgment and order dated 06/08/2013 in MFA No. 32746/2011 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

B. VIJAYALAXMI & ORS

Petitioner(s)

VERSUS

THE BRANCH MANAGER, THE NEW INDIA ASSURANCE
CO.LTD. & ORS

Respondent(s)

Date : 27/10/2015 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr.Manjunath Meled, Adv.
Mr. Anil Kumar, Adv.

For Respondent(s) Mr.Mohan Babu Agarwal, Adv.
Mr.Chetanya Siddarth, Adv.
Mr. Debasis Misra, Adv.
Ms.B.Vijalaxmi, Adv.

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

Leave granted.

The appeal is allowed, in terms of the signed order.

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

(G.V.Ramana)
AR-cum-PS

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)