

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.970 OF 2014
(ARISING OUT OF SLP(C) NO.24634 OF 2013)

HAKIM BI & ANR.APPELLANTS

VERSUS

STATE OF JAMMU & KASHMIR & ANR.RESPONDENTS

O R D E R

The claimants, aggrieved by the impugned order dated 13.10.2010 passed by the High Court of Jammu & Kashmir in C.I.A. No.18 of 2005, reducing the amount of compensation, have preferred this special leave petition.

Delay condoned.

Leave granted.

The appellants are the claimants. One Abdul Khaliq got electrocuted. The appellants who happen to be the wife and the daughter of the deceased, filed an application for grant of compensation. The trial court awarded compensation of Rupees five lakh and twenty thousand along with the interest at the rate of 9% per annum. The State of Jammu & Kashmir and another aggrieved by the same preferred the appeal and by the aforesaid impugned order, the High Court had reduced the compensation to a lump sum amount of Rupees six lakh and fifty thousand.

Mrs. Nanita Sharma, learned counsel for the appellants, submits that the High Court without assigning any reason has reduced the compensation. In this connection, she has drawn our attention to the following extract from the impugned order which reads as under :

"I, however, find that ends of justice would be met by reducing the principal amount and the amount payable by way of interest. Accordingly, an amount of Rs.6,50,000/- in lump sum is allowed in favour of the claimants/respondents."

Mr. G.M. Kawoosa, learned counsel appearing for the respondents, however, justifies the impugned order.

We have bestowed our consideration to the rival submissions and we find substance in the submission of Mrs. Sharma.

While granting compensation of Rupees five lakh and twenty thousand along with the interest at the rate of 9% per annum, the trial court has given various reasons. In our opinion, the same ought not to have been set aside by the High Court without assigning any reason. Nothing has been pointed out before us for reduction of the compensation.

Accordingly, we allow this appeal, set aside the impugned order of the High Court and restore that of the trial court with cost of Rupees five thousand to be paid to the appellants by the respondents.

(Signed order is placed on the file)