

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10463 OF 2013
(@ SPECIAL LEAVE PETITION (C) NO.21398 OF 2013)

SHASHIDHARA

...APPELLANT

VERSUS

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

...RESPONDENT

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 Miscellaneous First Appeal No.31350 of 2011 (MV-DB), dated 07.11.2012.

3. The appellant/claimant, while traveling as a pillion rider, met with an accident and sustained grievous injuries. On the claim made by the appellant/claimant, the Tribunal had awarded a total compensation of Rs.17,33,561/- with interest at the rate of 6 per cent per annum from the date of the petition till its realization.

4. Being aggrieved by the compensation so awarded by the Tribunal, the respondent-insurance company preferred an appeal before the High Court. By the impugned judgment and order, the High Court has partly allowed the appeal filed by the respondent-insurance company and reduced the amount of compensation awarded by the Tribunal from Rs.17,33,561/- to Rs.11,50,000/-. Aggrieved by the judgment and order passed by the High Court, the appellant/claimant is 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 by the High Court and in view of the peculiar facts and circumstances of the case, we are of the opinion that the judgment and order passed by the High Court can not be sustained.

7. Accordingly, while allowing this appeal, we set aside the judgment and order passed by the High Court and restore the order passed by the Tribunal.

.....J.
(H.L. DATTU)

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 20, 2013
ITEM NO.4

COURT NO.3

SECTION IVA

Petition(s) for Special Leave to Appeal (Civil) No(s).21398/2013

(From the judgement and order dated 07/11/2012 in MFA No.31350/2011 of the
HIGH COURT OF KARNATAKA AT GULBARGA)

SHASHIDHARA

Petitioner(s)

VERSUS

BRANCH MANAGER,NEW INDIA ASSURANCE CO.LTD.&ORS. Respondent(s)

Date: 20/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr.Basava Prabhu S.Patil, Sr.Adv.
Mr. B. Subrahmanya Prasad,Adv.

For Respondent(s) Mr. Mohinder Jit Singh,Adv.

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

Leave granted.

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

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar