

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8474 OF 2015
(Arising out of SLP(C) No.19093 of 2013)

DEBKUMAR DEBBARMA & ORS. . . . APPELLANT(S)

VERSUS

ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD. . . . RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the Gauhati High Court, Agartala Bench in M.A.C. App. No.26 of 2012, dated 19.02.2013.

3. The appellants/claimants are the family members of deceased, who met with an accident and succumbed to his injuries. On the claim made by the appellants/claimants, the Motor Accidents Claim Tribunal, Khowal, West Tripura (for short, "the

Tribunal") had awarded a compensation of Rs.37,71,800/- along with interest at the rate of 6% per annum.

4. Aggrieved by the judgment and order passed by the Tribunal the respondent-Insurance Company has preferred an appeal before the High Court.

5. The High Court, by its impugned judgment and order has allowed the appeal preferred by the respondent and reduced the award passed by the Tribunal from Rs.37,71,800/- to 23,68,000/-.

6. Aggrieved by the judgment and order passed by the High Court the appellants/claimants are before us in this appeal.

7. Heard learned counsel for the parties to the *lis*.

8. After carefully going through the impugned judgment and order passed by the High Court as well

as the other material available on record and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the High Court was not justified in reducing the award passed by the Tribunal. In the result, the appeal is allowed and the judgment and order passed by the High Court is set aside and the order passed by the Tribunal is restored.

9. The Civil Appeal is disposed of, accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015.

ITEM NO.63

COURT NO.1

SECTION XIV

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).19093/2013

(Arising out of impugned final judgment and order dated 19/02/2013 in MACAP No. 26/2012 passed by the High Court of Gauhati at Agarthala)

DEBKUMAR DEBBARMA & ORS.

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE COMP.LTD

Respondent(s)

(with interim relief and office report)

Date : 07/10/2015 This petition was called
on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Bijan Kumar Ghosh, Adv.

For Respondent(s) Mr. A.K. Soni, Adv.
For Mr. Nikhil Jain, Adv.

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

Leave granted.

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

In view of the above, pending
application(s), if any, stand disposed of.

(Neetu Khajuria)

(Vinod Kulvi)

Sr.P.A.

Assistant Registrar

(Signed order is placed on the file.)