

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9402 OF 2013
(SPECIAL LEAVE PETITION(C.)NO.12997 OF 2006)

MARAKKA & ANR.

APPELLANTS

VERSUS

M/S.UNIED INDIA INSURANCE CO. LTD. & ORS.

RESPONDENTS

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 at Bangalore in M.F.A.NO.4926-27 of 2003, dated 29.11.2005, whereby the High Court has allowed the appeal of the Insurance Company and reduced the compensation awarded by the Motor Accidents Claims Tribunal (for short 'the Tribunal') from Rs.4,57,833/- to Rs.2,85,500/- with interest thereon.

3. The claimants-appellants are the parents of the deceased. The deceased while driving a motor bike were dashed by a lorry and fell down on the road and sustained head injuries when another lorry driven by its driver in a rash and negligent manner went over the body of the deceased resulting in the death of both the riders. The claimants-appellants had approached the Tribunal for appropriate compensation. The Tribunal by a common judgment and order has awarded a compensation of Rs.4,57,833/- to the claimants-appellants.

4. Being aggrieved by the order so passed by the Tribunal, the claimants-appellants had approached the High Court. The High Court by its impugned judgment and order has reduced the

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compensation so awarded by the Tribunal from Rs.4,57,833/- to Rs.2,85,500/- . Being aggrieved by the judgment and order so passed by the High Court the claimants-appellants is before us in this civil appeal.

5. Heard learned counsel for the parties to the lis.

6. Having perused the records and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the compensation awarded by the Tribunal be restored and the order of the High Court be set aside.

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

8. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

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

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

NEW DELHI;
OCTOBER 22, 2013
ITEM NO.15

COURT NO.4

SECTION IVA

Petition(s) for Special Leave to Appeal (Civil) No(s).12997/2006

(From the judgement and order dated 29/11/2005 in MFA No.4926/2003,MFA No.4927/2003 of the HIGH COURT OF KARNATAKA AT BANGALORE)

MARAKKA & ANR.

Petitioner(s)

VERSUS

M/S.UNITED INDIA INSURANCE CO.LTD.&ORS.

Respondent(s)

(With office report)

Date: 22/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Ms. Kiran Suri, Sr. Adv.
Ms. Ritika Gambhir, Adv.
For Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s) Mr. Ramesh Chandra Mishra, Adv.
Dr. Meera Agarwal, Adv.

Mr. Ravi Bakshi, Adv.
Mr. Rajeev Kumar Bansal, Adv.

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

Leave granted.

Appeal allowed and disposed of, in terms of the signed order.

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

(Vinod Kulvi)
Asstt. Registrar