

ITEM NO.7

COURT NO.8

SECTION IVA

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S).
30948-30949/2013
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 22/11/2012
IN MFA NO. 22444/2009 AND MFA NO. 22867/2009 PASSED BY THE HIGH
COURT OF KARNATAKA CIRCUIT BENCH AT DHARWAD)

BALA

PETITIONER(S)

VERSUS

DIV.MNGR. UNITED INDIA INSURANCE CO. LTD.
& ANR.
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 16/03/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Devadatt Kamat, Adv.
Mr. Javedur Rahman, Adv.
Mr. Rauf Rahim, Adv.

For Respondent(s) Ms. Neerja Sachdeva, Adv.
Ms. Meera Mathur, Adv.

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

Leave granted.

gned

The appeals are allowed in terms of the si

order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2015.03.18
16:48:51 IST
Reason:

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2917-2918 OF 2015
[Arising out of Special Leave Petition
(Civil) Nos. 30948-30949/2013]

BALA

...APPELLANT

VERSUS

THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.
& ANR.

...RESPONDENTS

ORDER

1. Leave granted.

2. The challenge in these appeals is

against the order dated 22nd November, 2012

passed by the High court of Karnataka

bench at Dharwad in Miscellaneous First

Appeal No.22444/2009 and Miscellaneous

First Appeal No.22867/2009 by which the

compensation awarded to the appellant has

been reduced from Rs.4,98,500/- to

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Rs.4,61,800/-. The interest allowed by

the learned Tribunal at 8% per annum has

also been reduced by the High Court to 6%

per annum.

3. The appellant, at the time of the

accident which occurred in the year 2007,

was an agricultural labourer and his age

was about 30 years. He claimed to have

been earning about 6,000/- per month.

The injuries suffered by him led to

virtually loss of the left leg which has

been assessed by the doctor to have

resulted in disablement to the extent of

60%.

4. Against the award of the learned

Tribunal, both sides had moved the High

Court and the order impugned before us is

the common order passed in the two

appeals.

5. We have taken note of the order of the learned Tribunal as well as that of the

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High Court. It is our considered view that the appellant is entitled to a higher compensation which we assess as follows:

(i) The amount of medical expenses claimed by the appellant at Rs.1,00,000/- is maintained in view of the materials/evidence that is available on record.

(ii) Taking into account that the appellant was an agricultural labourer aged about 30 years at the time of the accident, we are of the view that an additional lump-sum amount of Rs.1,00,000/- (Rupees One lakh) should be awarded to him for loss of future income.

(iii) All other heads of compensation as assessed by the learned Tribunal is maintained.

6. Accordingly, we enhance the amount of compensation from Rs.4,98,500/- as awarded by the learned Tribunal to

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Rs.6,98,500/-. We round up the compensation figure at Rs.7,00,000/- (Rupees Seven lakh). The interest awarded by the Tribunal at 8% per annum is restored. The balance amount along with interest will be paid to the appellant after deducting the amount already paid within a period of three months from the

date of receipt of a copy of this order.

7. The appeals are allowed in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(N.V. RAMANA)

NEW DELHI
MARCH 16, 2015