

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7225 OF 2010

R. TAMIL VELAN . . . APPELLANT (S)

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ANR. . . RESPONDENT (S)

WITH

CIVIL APPEAL NO.7226 OF 2010

V. MOHAN & ORS. . . APPELLANT (S)

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ANR. . . RESPONDENT (S)

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court of Judicature at Madras in Miscellaneous Appeal Nos.2907 and 2906 of 2004, dated 13.11.2009.

2. The brief facts of the appeals are that one Balaji was driving a Motor Cycle along with R. Tamil

Velan, the pillion rider and were going along the Ennore Express Highway, Chennai where they were hit by a Tipper Lorry coming from the opposite side and as a result thereof R. Tamil Velan sustained serious injuries and Balaji succumbed to his injuries.

3. On the claim petitions filed by R. Tamil Velan (Claimant/Appellant in C.A. No.7225/2010) and V. Mohan & Ors. (claimants/family members of Balaji in C.A. No.7226/2010), the Motor Accidents Claim Tribunal, Chennai (for short, "the Tribunal") has allowed the petitions and granted compensation of Rs.11,00,000/- to the appellant/claimant in Civil Appeal No.7225 of 2010 and Rs.9,82,000/- to the appellants/claimants in Civil Appeal No.7226 of 2010 along with interest at the rate of 9% per annum in both the appeals.

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

5. The High Court has allowed the appeals of the Insurance Company and modified the order passed by the Tribunal by reducing the compensation from Rs.11,00,000/- to Rs.8,86,600/- in Civil Appeal No.7225 of 2010 and from Rs.9,82,000/ to Rs.5,20,800/- in Civil Appeal No.7226 of 2010.

6. Aggrieved by the judgment and order passed by the High Court the appellant(s)/claimant(s) in both the appeals are before us.

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 material available on record, we are of the opinion that the High Court was not justified in reducing the compensation. In the result, both the appeals are allowed and the judgment and order passed by the High Court is set aside and the award passed by the Tribunal is restored.

9. The Civil Appeals are disposed of, accordingly.

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

.....J.  
(ARUN MISHRA)

NEW DELHI,  
SEPTEMBER 29, 2015.

ITEM NO.77

COURT NO.1

SECTION XII

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

Civil Appeal No(s). 7225/2010

R. TAMIL VELAN

Appellant(s)

VERSUS

NEW INDIA ASSURANCE CO.LTD.&amp; ANR

Respondent(s)

(with office report)

WITH

C.A. No. 7226/2010

(With Office Report)

Date : 29/09/2015      These appeals were called  
on for hearing today.

CORAM :

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

For Appellant(s)	Mr. M. P. Shorawala, Adv. Ms. Shruti Sen, Adv.
	Mr. P.B. Suresh, Adv. Mr. Vipin Nair, Adv. Mr. Prithu Garg, Adv. For M/s. Temple Law Firm, Adv.
For Respondent(s)	Mr. P.B. Suresh, Adv. Mr. Vipin Nair, Adv. Mr. Prithu Garg, Adv. For M/s. Temple Law Firm, Adv.
	Mr. M.P. Shorawala, Adv. Ms. Shruti Sen, Adv.

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

The appeals are disposed of in terms

of the signed order.

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

(Neetu Khajuria)  
Sr.P.A.

(Vinod Kulvi)  
Assistant Registrar

(Signed order is placed on the file.)