

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12922/2012

(From the judgement and order dated 22/11/2010 in MACA No.966/2009 of The  
HIGH COURT OF ORISSA AT CUTTACK)

SUHASINI ROUT & ORS.

Petitioner(s)

VERSUS

MUMTAZ ALLI & ANR.

Respondent(s)

Date: 04/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Shibashish Misra,Adv.

For Respondent(s)

Mr. Ranjan Kumar Pandey,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.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 942 OF 2013  
(Arising out of S.L.P.(C) No.12922 of 2012)

|SUHASINI ROUT AND OTHERS

|Appellant(s) |

Versus

|MUMTAZ ALLI AND ANOTHER

|Respondent(s) |

O R D E R

We have heard learned counsel for the parties.  
Leave granted.

Having perused the record, we are satisfied that the judgment of the High Court impugned herein cannot be sustained as it merely confirmed the erroneous award passed by the Motor Accident Claims Tribunal (in short 'the MACT') without adjudicating any of the issues raised by the appellants. The award given by the MACT is clearly contrary to the law laid down by this Court in the judgment of this Court in Sarla Verma (Smt.) and others versus Delhi Transport Corporation and another reported in 2009 (6) SCC 121 and a catena of other judgments. Since the deceased was 38 years of age, the compensation had to be calculated by applying the multiplier of 16. It is not disputed before us that the salary of the deceased was

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Rs.9,400/- per month. Consequently, the annual dependency would be in the region of Rs.95,000/-. With a multiplier of 16, the appellant would be entitled to the amount of Rs.15,20,000/- as compensation. The High Court has merely affirmed the award given by the MACT by passing a non-speaking order.

For the aforesaid reasons, the award dated 22.8.2009 passed by the MACT, Bhubaneswar, Orissa in MACT Case No. 632 of 2002 to the extent of calculation of compensation and the impugned judgment of the High Court are set aside. The compensation granted by the MACT is enhanced to Rs.15,20,000/-. The amount awarded shall carry 7% interest from the date of the Award till payment.

The appeal is, accordingly, allowed.

.....J.

(SURINDER SINGH NIJJAR)

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

New Delhi,  
February 04, 2013