

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6242 OF 2013
(arising out of S.L.P.(C) No. 27202 of 2008)

SHIV NARAYAN BHAGIRATH NAMDEO ...APPELLANT(S)

VERSUS

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

O R D E R

Leave granted.

On an application filed by the applicant, appellant herein, the Commissioner under the Workmen Compensation Act, 1923 awarded total compensation of Rs. 59,850/- including a sum of Rs. 10,000/- towards penalty.

The appellant had met with an accident on 27.11.1989 while driving a truck. Aggrieved by the grant of compensation, New India Assurance Company Ltd., respondent No. 1 herein, preferred an appeal before the High Court of Bombay. The High Court by the impugned order has reduced the compensation to Rs. 23,880/- and sum of Rs. 4,476/- as penalty.

Having heard learned counsel for the appellant and respondent No. 1, we are of the opinion that in the facts of the present case and particularly there being no question of law requiring adjudication, the High Court ought not to have reduced the compensation and penalty.

Accordingly, we set aside the impugned order passed by the High Court and restore the order passed by the Commissioner under the Workmen's Compensation Act.

In the result, the appeal is allowed in the aforesaid terms but without any order as to costs.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(KURIAN JOSEPH)

New Delhi;
August 2, 2013

ITEM NO.208

COURT NO.10

SECTION XV

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).27202/2008

(From the judgement and order dated 14/08/2008 in First Appeal No.3/1993
of The HIGH COURT OF BOMBAY AT AURANGABAD)

SHIV NARAYAN BHAGIRATH NAMDEO

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO.LTD.& ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 02/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Jai Shankar Agrawala, Adv.
Dr. R.R. Deshpande, Adv.
Ms. Sita Agrawala, Adv.
Mr. Anjani Kumar Jha, Adv.

For Respondent(s) Mr. J.P.N. Shahi, Adv.
Mr. Neeraj Shekhar, 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.

| (S.K. Rakheja)
| Court Master

| |(Indu Satija)
| | Court Master

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(Signed order is placed on the file)