rITEM NO.49 COURT NO.11 SECTION XIV

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).900/2009

(From the judgement and order dated 01/07/2008 in FAO No. 141/1999 of The HIGH COURT OF DELHI AT N. DELHI)

NATIONAL INSURANCE CO.LTD. Petitioner(s)

VERSUS

DAYA WATI & ORS. Respondent(s)

(With appln(s) for substituted service and office report)

Date: 31/01/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Kishore Rawat, Adv.
Mr. Dhiraj, Adv.

For Respondent(s) Mr. Gagan Gupta,Adv.

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

This petition is directed against the judgement of the learned Single Judge of the Delhi High Court whereby he allowed the appeal preferred by respondent Nos. 1 and 2 under Section 173(1) of the Motor Vehicles Act, 1988 and enhanced the compensation awarded by Motor Accident Claims Tribunal, Patiala House, New Delhi (For short 'The Tribunal') in lieu of the death of their son Munish Tyagi.

Munish Tyagi was killed in a road accident, which occurred on 27.11.1991. At that time his age was about 20 years and he was a student of B.Sc(Hons.). The Tribunal assessed the prospective income of deceased as Rs. 2,500/- per month and held that respondent Nos. 1 and 2 were entitled to Rs. 1,62,000/- as compensation. On appeal, learned Single Judge opined that monthly income of the deceased could be taken as Rs. 4,000/- and enhanced the compensation by granting some amount towards loss of love and affection, funeral expenses, loss of estate and loss of services.

We have heard learned counsel for the parties and carefully perused the record.

In our view, the reasons assigned by the learned Single Judge for enhancing amount of compensation from Rs. 1,62,000/- to Rs. 4,93,600/- are legally correct and the impugned judgement does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed. The petitioner is directed to pay the balance amount to the respondents within a period of four weeks from today in form of a demand draft prepared in the name of respondent no. 1.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master