

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9432 OF 2013  
(@ SPECIAL LEAVE PETITION (C) NO.12296 OF 2012)

VIJAY KUMAR SHARMA

APPELLANT

VERSUS

MITTHU & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Delhi in FAO No. 299 of 1995, dated 13.12.2011, whereby the High Court has allowed the appeal filed by the appellant/claimant and enhanced the compensation awarded by the Motor Accidents Claims Tribunal, Delhi (for short, 'the Tribunal') from Rs.35,000/- to Rs.40,400/-.

3. The appellant/claimant while travelling in a tempo met with an accident and sustained grievous injuries. On the claim made by the appellant/claimant, the Tribunal had awarded a compensation of Rs.35,000/- with interest at the rate of 12 per cent from the date of filing of the claim petition before the Tribunal till the actual date of payment.

4. Being aggrieved by the compensation so awarded by the Tribunal, the appellant/claimant had preferred an appeal before the High Court. By the impugned judgment and order, the High Court had allowed the appeal filed by the appellant/claimant and modified the award to the extent that the claimant is entitled for total compensation of Rs.40,400/- as against Rs.35,000/- as awarded by the Tribunal with interest at the rate of 7.5 per cent on the enhanced compensation. Aggrieved by the judgment and order passed by the High Court the appellant/claimant is before us in this civil appeal.

5. Heard learned counsel for the parties to the lis.

6. After carefully going through the judgment(s) and order(s) passed by the Tribunal as well as by the High Court and in view of the peculiar facts and circumstances of the case, we are of the opinion that the amount of compensation awarded by the High Court needs to be enhanced.

7. Accordingly, while allowing this appeal we modify the judgment(s) and order(s) passed by the High Court. The appellant/claimant is now entitled for an enhanced compensation of Rs.1,00,000/- over and above the award so passed by the High Court after deducting the amount already paid, if any, with interest at the rate of 6 per cent per annum from the date of the order passed by the Tribunal.

8. The Civil Appeal is disposed of accordingly.

.....J.  
(H.L. DATTU)

.....J.

NEW DELHI;  
OCTOBER 23, 2013

ITEM NO. 39

COURT NO.4

SECTION XIV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12296/2012

(From the judgement and order dated 13/12/2011 in FAO No.299/1995 of The  
HIGH COURT OF DELHI AT N. DELHI)

VIJAY KUMAR SHARMA

Petitioner(s)

VERSUS

MITTHU & ORS.

Respondent(s)

(With office report)

Date: 23/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Manish Maini, Adv.  
Ms. Manjeet Chawla, Adv.  
Ms. Sunanda Roy, Adv.

For Respondent(s)

Mr. Ravi Bakshi, Adv.  
Mr. Rajeev Kumar Bansal, Adv.

Mr. Vikrant yadav, Adv.

Mr. Rajesh Sehgal, Adv.  
Mr. M.C. Dhingra ,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.

	[ Charanjeet Kaur ]		[ Vinod Kulvi ]	
Court Master		Asstt. Registrar		

[ Signed order is placed on the file ]

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