

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5366 OF 2015  
(Arising out of S.L.P.(C) No.2458 of 2015)

UPENDRANATH SWAIN .. Appellant(s)

Versus

IFFCO TOKIO GENERAL INSURANCE AND .. Respondent(s)  
ORS.

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Orissa at Cuttack in MACA No. 217 of 2014, dated 18.03.2014.

3. The appellant/claimant met with an accident and sustained grievous injuries. On the claim made by the appellant/claimant, the Additional District Judge-cum-

III Motor Accident Claims Tribunal, Rourkela (for short, "the Tribunal") had awarded compensation of

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Charanjeet Kaur  
Date: 2015.07.14  
17:54:49 IST  
Reason:

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Rs.8,00,000/- with interest at the rate of 6 per cent.

4. Being aggrieved by the compensation so awarded by the Tribunal, the respondent No.1-insurance company preferred an appeal before the High Court. By the impugned judgment and order, the High Court while disposing of the appeal of the insurance company has reduced the compensation from Rs.8,00,000/- to

Rs.6,75,000/- with interest thereon.

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 judgments and  
orders passed by the Tribunal as well as the High  
Court and keeping in view the peculiar facts and  
circumstances of the case, we are of the considered

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opinion that the order so passed by the High Court  
cannot be sustained.

7. Accordingly, we allow this appeal, set aside the  
judgment and order passed by the High Court and  
restore the order passed by the Tribunal. The  
aforesaid amount shall be paid after deducting the  
amount already paid, if any.

8. The Civil Appeal is disposed of accordingly.

.....CJI.  
[ H.L. DATTA ]

.....J.  
[ ARUN MISHRA ]

.....J.  
[ AMITAVA ROY ]

NEW DELHI,  
JULY 10, 2015.  
ITEM NO.63

COURT NO.1

SECTION XIA

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

Petition for Special Leave to Appeal (C) No(s). 2458/2015

(Arising out of impugned final judgment and order dated  
18/03/2014 in MACA No. 217/2014 passed by the High Court Of  
Orissa At Cuttack)

UPENDRANATH SWAIN

Petitioner(s)

VERSUS

IFFCO TOKIO GENERAL INSURANCE AND ORS  
(With interim relief and office report)

Respondent(s)

Date :10/07/2015 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Hitendra Nath Rath, Adv.  
Mr. Y. Raja Gopala Rao, Adv.

For Respondent(s) Mr. Abhishek Kuamr, Adv.  
Mr. Nikhil Jain, Adv.  
Ms. Preeti Singh, Adv.

UPON hearing the 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 ]  
A.R.-cum-P.S.

[ Vinod Kulvi ]  
Asstt. Registrar

[ Signed order is placed on the file ]