

(1998) 04 SC CK 0088

In the Supreme Court Of India

Case No : Civil Appeal No. 2077 of 1998 Arising out of SLP (C) No. 2962 of 1998

Shashikalabai (Smt)

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 07-04-1998

Acts Referred:

Citation : (1999) 1 ACC 16 : AIR 1999 SC 706 : (1998) AIRSCW 3890 : (1998) 6 JT 80 : (1998) 5 SCC 332

Hon'ble Judges : Sujata V. Manohar, J;D. P. Wadhwa, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. In respect of the fatal accident of the appellant's husband who came in contact with a live electric wire and died of shock, the High Court has given compensation of Rs. 30,000 on the basis of the circular of the Maharashtra t Arising out of SLP (C) No. 2962 of 1998 State Electricity Board, Respondent 2 herein, dated 5-4-1979. Death occurred on 18-3-1991. However, there was correspondence between the appellant and the respondents from 1991 to 1994 and the actual formal application was made on 14-2-1994, by which time the new circular of 28-1-1993 had come into force. Under the new circular of 28-1-1993, the compensation amount has been increased from Rs. 30,000 to Rs. 60,000. The circular also states that it shall come into force with immediate effect and the compensation cases already closed shall not be reopened. Since the present case was not closed on the date of the circular coming into effect, the appellant should have been granted the benefit of the new circular.

3. We, therefore, modify the order of the High Court by granting her additional compensation of Rs. 30,000 over and above what has been already awarded. The amount shall be paid within a period of eight weeks from today. If the full amount is not paid within a period of eight weeks from today, the amount will

carry interest thereafter @ 12% p.a. However, on the amount of Rs. 30,000 granted by the High Court, if the amount has not been paid so far, Respondent 2 shall pay interest @ 12% p.a. from the date of the impugned order of the High Court.

4. The appeal is allowed accordingly.