

(2010) 01 SC CK 0061

In the Supreme Court Of India

Case No : Civil Appeal No. 73 of 2010 (Arising out of S.L.P. (C) No. 4885 of 2005)

Smt. Deepa Garg and Others

APPELLANT

Vs

Rakesh Kumar and Others

RESPONDENT

Date of Decision : 07-01-2010

Acts Referred:

Citation : (2010) 1 AWC 635 Supp : (2010) 1 SCALE 133 : (2010) 2 SCC 367

Hon'ble Judges : Tarun Chatterjee, J; S. S. Nijjar, J

Bench : Division Bench

Advocate : Gaurav Agrawal, Arjun Krishnan and Chiraranjan Addey, for the Appellant; Ajay Majithia, Rajesh Kumar, Kailash Chand and Parmanand Gaur, for the Respondent

Final Decision : Allowed

Judgement

1. Leave granted.

2. This appeal is directed against a judgment and order passed by the High Court of Uttaranchal at Nainital in appeal from CMA No. 463 of 2001, affirming the Judgment and award dated 31st of May, 1999 passed by the Motor Accidents Claims Tribunal/ Additional District Judge, Roorkee (in short, "the Tribunal") in Motor Accident Claim No. 36 of 1995 whereby the Tribunal had awarded Rs. 7,77,500/- as compensation to the claimants/appellants along with 12% simple interest against the National Insurance Company Limited.

3. We have heard the learned Counsel for the parties and examined the impugned judgments very carefully in depth and in detail. After some arguments were advanced by the learned Counsel for the parties, the parties have agreed before us that this appeal may be disposed of on compromise in the following manner:

a) The total compensation may be fixed at Rs. 10 Lakhs with simple interest @ 12% per annum, which shall be paid by the Insurance Company, the respondent

herein, to the appellants within three months from this date.

b) The interest shall be payable at the aforesaid rate from the date of making the application i.e. on and from 22nd of May, 1991.

c) If the aforesaid amount, as fixed above, is not paid within three months from this date, the appeal shall stand disposed of fixing the total compensation at Rs. 10 lakhs with simple interest @ 12 % per annum and the appellant would be entitled to recover the said amount as awarded by us by executing the same in accordance with law.

d) If the amount of compensation and the other amount namely, the interest, is paid within the time specified hereinabove, the judgment of the High Court and the award of the Tribunal shall stand modified to the extent indicated above and the application for payment of compensation filed at the instance of the appellant shall stand satisfied.

4. The appeal is accordingly disposed of on compromise. There will be no order as to costs.