

(2013) 11 SC CK 0012

In the Supreme Court Of India

Case No : Civil Appeal No. 10457 of 2013 (Arising out of SLP (C) No. 25681 of 2013)

Subhagini Pradhan

APPELLANT

Vs

Subash Swain

RESPONDENT

Date of Decision : 20-11-2013

Acts Referred:

Citation : (2014) 3 RCR(Civil) 899

Hon'ble Judges : Ranjana Prakash Desai, J;H.L. Dattu, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted. This appeal, by special leave, is directed against the judgment and order passed by the High Court of Orissa in M.A.C.A. No. 421 of 2006, dated 03.08.2012.

2. The Appellants/claimants are the wife and children of the deceased who met with an accident and succumbed to his injuries. On the claim petition filed by the Appellants/claimants, the Motor Accidents Claims Tribunal, Jagatsinghpur (for short, "the Tribunal") had awarded a compensation of Rs. 6,00,000/- along with interest at the rate of 6 per cent from the date of filing of the petition.

3. Being aggrieved by the award so passed by the Tribunal, the Appellants/claimants preferred appeal before the High Court. The High Court by the impugned judgment and order has enhanced the compensation from Rs. 6,00,000/- to Rs. 6,50,000/- along with interest at the rate of 6 per cent from the date of filing of the petition. Aggrieved by the order so passed by the High Court the Appellants/claimants are before us in this civil appeal.

4. Heard learned Counsel for the parties to the lis.

5. After carefully going through the judgment(s) and order(s) 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 opinion that the compensation awarded by the High Court be further enhanced by another sum of Rs. 4,00,000/-. Accordingly, we allow this appeal and set aside the judgment and order passed by the High Court. The Appellants/claimants are now entitled for a compensation of Rs. 4,00,000/- over and above the award passed by the High Court with interest at the rate of 6 per cent on the enhanced amount from the date of order passed by the Tribunal. The compensation so enhanced by us shall be paid after deducting the amount already paid, if any.