

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7324 OF 2013
(@ SPECIAL LEAVE PETITION(C)NO.29736 OF 2011)

AKASH TR.FATHER & LEGAL GUARDIAN

... APPELLANT

VERSUS

NATIONAL INSURANCE CO.LTD.

... RESPONDENT

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Madhya Pradesh in Miscellaneous Appeal No.2942/2008, dated 17.05.2010. By the impugned judgment and order, the High Court has enhanced the compensation awarded by the Motor Accident Claims Tribunal (for short 'the Tribunal') from Rs.4,07,000/- to Rs.4,77,000/-.

3. The claimants had approached the High Court for grant of compensation since the minor child had lost his both legs in a motor vehicle accident. The Tribunal, after considering the evidence on record, has come to the conclusion that the only compensation that would be payable to the child is a sum of Rs.4,07,000/- with interest.

4. Aggrieved by the award so passed by the Tribunal, the appellant(s) had approached the High Court. The High Court, after considering the entire evidence on record once over again, has thought it fit to increase the claim of the appellant(s) from Rs.4,07,000/- to Rs.4,77,000/-. Aggrieved by the meager

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compensation so awarded by the High Court, the appellant(s) is/are before us in this appeal.

5. We have carefully perused the judgment and order passed by the Tribunal and the High Court. In our opinion, in the peculiar facts and circumstances of the case, the compensation so awarded by the High Court requires to be modified and further requires to be enhanced from Rs.4,77,000/- with interest to Rs.8 lacs with interest.

6. Accordingly, we allow this appeal, modify the judgment and order passed by the High Court by enhancing the compensation from Rs.4,77,000/- to Rs.8 lacs with interest @ 6% p.a. from the date of the judgment and order passed by the High Court.

7. The order passed by us shall not be treated as a precedent in any other case.

Ordered accordingly.

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

.....J.
(M.Y. EQBAL)

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).29736/2011

(From the judgement and order dated 17/05/2010 in MA No.2942/2008 of the
HIGH COURT OF M.P. AT INDORE)

AKASH TR.FATHER & LEGAL GUARDIAN Petitioner(s)

VERSUS

NATIONAL INSURANCE CO. LTD. Respondent(s)

(With office report)

Date: 30/08/2013 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. Saurabh Trivedi,Adv.

For Respondent(s) Mr.Vishnu Mehra, Adv.
Ms.Sakshi Mittal, Adv.
Ms. Manjeet Chawla,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar