

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4746 OF 2008
(Arising out of S.L.P.(C) No.9519/2006)

HAMZA ADAMPULAN @ A. BEERANKUTTY ... **APPELLANT(S)**

:VERSUS:

EDATHODI ABDUL NAZER ... **RESPONDENT(S)**

ORDER

Leave granted.

Having heard the learned counsel for the parties and having regard to the duty cast on the Motor Accident Claims Tribunal to arrive at an amount providing 'just compensation' to the claimant and in the peculiar facts and circumstances of this case, we are of the opinion that an opportunity should be given to the appellant to adduce additional evidence which has been produced before us. It furthermore appears that the learned Tribunal and consequently the High Court had not adverted to the question as to how much amount the appellant used to remit to his family members from Kuwait.

We, therefore, set aside the impugned judgment of the High Court as also the award of the Tribunal and remit the matter to Motor Accidents Claims Tribunal, Manjeri, for the purpose of determining the amount of additional compensation to which they may be found entitled to.

The parties shall be entitled to adduce additional evidence.

It would be open to the appellant to file appropriate application before the Tribunal for early hearing of the matter, which may be considered on its merits.

The appeal is disposed of accordingly.

**.....J
(S.B. SINHA)**

**.....J
(CYRIAC JOSEPH)**

**NEW DELHI,
JULY 28, 2008.**