

RAVIRAJ UDUPA
v.
M/S UNITED INDIA INSURANCE COMPANY LTD. & ORS.
(Civil Appeal No. 7074-75 of 2011)

AUGUST 16, 2011

[G. S. Singhvi and H.L. Dattu, JJ.]
[2011] 10 SCR 276

The Order of the Court was delivered by

H.L. DATTTU, J. 1. Leave granted.

2. Heard learned counsel for the parties to the lis and perused the record.

3. This appeal is directed against the Judgment and order passed by the High Court of Karnataka in MFA No. 7617 of 2003 and MFA Crob. No. 218 of 2004, whereby the High Court has reduced the compensation awarded by Motor Accident Claims Tribunal (in short, "Tribunal"), passed in MVC No. 329 of 2003 and the cross objection of the claimant for enhancement of compensation is dismissed.

4. The appellant/claimant had filed the petition under Section 166 of Motor Vehicles Act claiming compensation of Rs. 20,00,000/- with interest in view of the injuries sustained by him in a road accident. The claimant was a private contractor and he was aged about 32 years on the date of the accident and his monthly income was stated to be Rs. 12000/-. The vehicle was insured with M/s United India Insurance Company Ltd. (in short, "Insurance Company"), which did not seriously dispute the nature of injuries sustained by the claimant in the accident. He had sustained the fracture of condylar and proximal 1/3 of right fibula. The Tribunal, taking into consideration the nature of injuries sustained, the loss of future income on account of disability and other factors, had assessed the total compensation of Rs. 4,06,400/- (Rupees Four Lakhs Six Thousand FOur Hundred only) with interest at 8% p.a. on Rs.3,98,400/- from the date of petition till realization.

5. The Insurance Company, being aggrieved by the order of the Tribunal, had preferred an appeal before the High Court. The claimant had also filed cross objection for enhancement of compensation awarded by the Tribunal.

6. The High Court, by the impugned Judgment and order, has reduced the compensation to Rs. 2,82,600/- (Rupees Two Lakhs Eighty Two Thousand Six Hundred only) with interest at 6% p.a. from the date of petition till its realization. While doing so, to say the least, the High Court has not stated any reasons whatsoever. It has mechanically juggled with the arithmetical calculation made by the Tribunal while modifying a well considered and reasoned order passed by the Tribunal. In our view, the High Court, while tinkering with the conclusion reached by the Tribunal, should have assigned reasons in support of its conclusion. It is time and again said that the reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for a decision and reveal a rational nexus between the facts considered and conclusions reached and thereby, excludes the chances to reach arbitrary, whimsical or capricious decision or conclusion. Therefore, we cannot agree with the conclusion reached by the High Court, which does not have supporting reasons.

7. We have carefully considered the findings and the conclusions reached by the Tribunal while assessing the entitlement of the claimant for compensation for the injury sustained by him. In our considered view, we do not find any legal infirmity with the order passed by the Tribunal. Therefore, while reversing the Judgment and order passed by the High Court in MFA No. 7617 of 2003, we restore the Judgment and award passed by the Tribunal dated 29.08.2003.

8. Accordingly, this appeal is allowed. Costs are made easy.