

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3896 OF 2022

(Arising out of SLP (C) No.16603 of 2021)

KAUSALYA BHOI & ORS.

Appellants

VERSUS

**DIVISIONAL MANAGER,
ORIENTAL INSURANCE CO. LTD. & ANR.**

Respondents

O R D E R

1. Leave granted.
2. This appeal challenges the judgment and order dated 26.11.2020 passed by the High Court of Orissa at Cuttack in MACA No.450 of 2017.
3. In respect of an accident which occurred on 12.12.2014, one Laxman Bhoi who was going on a cycle, was hit by a motorcycle going at a high speed and lost his life. First Information Report was thereafter filed in respect of the offences punishable under Sections 279, 337, 338 of the Indian Penal Code, 1860.
4. In the claim petition filed by the daughter and two sons of the deceased seeking compensation for the accident resulting in loss of life, the 7th Motor Accident Claims Tribunal, Bhubaneswar in MAC Case No.72 of 2015 assessed the compensation amount payable to the claimants at Rs.24,07,741/- to be made over to the claimants along with interest @ 6% per annum from the date of filing of the case till the date of the payment.

5. The Insurance Company being aggrieved, approached the High Court by filing appeal being MACA No.450 of 2017, which came to be partly allowed by the High Court by its judgment and order presently under challenge.

The determination of the controversy and the conclusions drawn by the High Court were:

"Considering the submissions. made by the learned counsel for the respective parties and on perusal of the impugned order more particularly on the basis on which the same has been arrived at, the impugned order dated 28.12.2016 passed by 'the learned Member, 7th Motor Accident Claims Tribunal, Bhubaneswar in M.A.C. No. 72 of 2015 is set aside and the amount of compensation awarded by the learned Tribunal is modified to Rs.20,00,000/- (Rupees twenty lakh). The appellant-Insurance Company is directed to deposit the modified amount with 6% interest from the date of filing of the claim case till realization before the learned Tribunal within a period of eight weeks from today. Learned Tribunal is directed to disburse the same to the claimant-respondents proportionately as per the direction in the impugned order on proper identification. The amount of Rs.25000/- deposited by way of account payee cheque along with the entire awarded amount deposited in the present appeal with accrued interest upon filing the receipt showing deposit of modified awarded amount before the Tribunal be returned to the appellant-Insurance Company."

6. As the relevant portion of the judgment of the High Court indicates, no reasons were given by the High Court while scaling down the amount of compensation as awarded by the Tribunal to a sum of Rs.20,00,000/- .

7. In this appeal, we have heard Dr. Kedar Nath Tripathi, learned Advocate in support of the appeal, and Mr. Mohan Babu Agarwal, learned Advocate for the Insurance Company.

8. It was urged by Mr. Agarwal that considering the material on record, there were serious doubts whether the person concerned died

as a result of vehicular accident and in the manner projected in the claim petition.

9. We are afraid, we cannot go into such questions in the instant appeal at this length as both the courts below have premised their orders on the foundation that the death of deceased was definitely as a result of an accident as projected. It was only the amount payable to the heirs which was scaled down by the High Court.

10. As the High Court had not given any plausible reason as to why the amount was required to be scaled down, logically the matter is required to be sent back to the High Court for fresh assessment. However, considering the fact that the accident occurred way back in 2015, any such remand at this stage will simply prolong the matter. We have, therefore, heard learned counsel on merits of the matter and are quite satisfied that the assessment made by the Tribunal did not call for any interference.

11. We, therefore, allow this appeal, set-aside the judgment and order passed by the High Court and restore the order passed by the Tribunal, without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(SUDHANSHU DHULIA)

New Delhi,
May 12, 2022