

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.329/2021

IN

CIVIL APPEAL NO. 12008/2018

PUNEET BAGRECHA

Applicant/Appellant(s)

VERSUS

SHAHJAHAN & ORS.

Respondent(s)

WITH

MA 330/2021 IN C.A. NO. 12009/2018

O R D E R

With reference to the concerned victims who suffered accident and resultant disability, the compensation was arrived at by the High Court as under:

"28. In CMA No.234/2000 (Shri Shashi Kant Bagrecha vs. Shri Shahjahan & Ors.) arising out of Claim Case No.40/1995:-

- (a) Rs.5,000/- accepted income.
- (b) Rs.5,000/- x 12 x 17 = Rs. 10,20,000/-
- (c) Rs. 8,75,000/- is awarded towards actual medical expenses.
- (d) Rs. 25,000/- towards transportation charges.
- (e) Rs.2,00,000/- towards pain and suffering.
- (f) Rs.1,00,000/- for attendant.
- (g) Rs.1,00,000/- for future medical expenses.
- (h) Rs.10,20,000 + 8,75,000 + 25,000 + 2,00,000 + 1,00,000 + 1,00,000 = 23,20,000/-
- (I) Amount of compensation of Rs., 6,00,000/- is

enhanced to Rs.23,20,000/- .

(j) Appellant shall be entitled to receive interest @ 6% p.a. from the date of filing claim petition on the enhanced amount of compensation of Rs.17,20,000/- .

(k) A sum of Rs. 10,00,000/- out of the aforesaid amount shall be deposited in the Monthly income Scheme (M.I.S.) account of the post office, monthly interest whereof shall be paid to the claimant. The principal amount shall continue to remain deposited atleast for four terms permissible for opening the said account. A further sum of Rs.3,00,000/- out of the awarded compensation shall be invested in the FDR Account with any nationalized Bank in the name of the Claimant for a duration of five years and shall thereafter be released to him. Remaining amount inclusive of the amount of interest may be disbursed to the claimant."

...

31. In CMA No.236/2000 (Puneet Bagrecha vs. Shri Shahjahan & Ors.) arising out Claim Case No.39/1995:-

(a) Rs.1,50,000/- is awarded for permanent disability of 40%.

(b) Rs.50,000/- is awarded for pain and suffering.

(c) Rs.50,000/- is awarded for future treatment and care.

(d) Rs.1,50,000 + 50,000 + 50,000 + Rs.2,50,000/-

(e) Amount of compensation of Rs.1,02,000/- is enhanced to Rs.2,50,000/-."

The matter reached this Court at the instance of the present petitioners seeking enhancement. The prayers in that behalf were not accepted by this Court and the order disposing of the appeals was passed on 11.12.2018. However, while enumerating the factual details, the fact that the High Court had awarded interest @ 6%, was not noted by this Court. This has given rise to a dispute whether this Court had consciously ruled out the entitlement of the petitioners to interest @ 6%.

We have heard learned counsel for the parties. There is nothing in the order passed by this Court which specifically dealt with said issue or observed that the entitlement of the petitioners be restricted to the facets stated in the decision of this Court alone.

We allow this application and direct that in respect of injuries suffered by Shashi Kant Bagrecha and Puneet Bagrecha, the petitioners shall be entitled to @ 6% per annum as awarded by the High Court.

The Miscellaneous Applications are accordingly disposed of.

.....CJI
(UDAY UMESH LALIT)

.....J
(S. RAVINDRA BHAT)

New Delhi,
August 29, 2022.

ITEM NO.54

COURT NO.1

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 329/2021 in C.A. No. 12008/2018

PUNEET BAGRECHA

Petitioner(s)

VERSUS

SHAHJAHAN & ORS.

Respondent(s)

(IA No. 16589/2021 - EXEMPTION FROM FILING O.T.
 IA No. 16588/2021 - MODIFICATION)
 WITH

MA 330/2021 in C.A. No. 12009/2018 (III)
 (IA No. 3386/2021 - MODIFICATION)

Date : 29-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Ms. Anuj Bhandari, Adv.
 Mr. Gaurav Jain, Adv.
 Mr. Sidhant Luthra, Adv.

For Respondent(s) Mr. Abhishek Kumar Gola, Adv.
 Mr. Viresh B. Saharya, AOR
 Mr. Akshat Agarwal, Adv.
 Mr. Anshul Mehral, Adv.

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

The Miscellaneous Applications are disposed of in terms of the
 signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
 COURT MASTER (SH)

(VIRENDER SINGH)
 BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)