

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10044 OF 2013
(Arising out of SLP(C) No. 26659/2012)

|Sreejith & Anr. |.. Appellant(s) |

Versus

|National Insurance Co. Ltd. & Ors. |.. Respondent(s) |

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in MACA No. 2381 of 2007, dated 16.03.2012 whereby the High court while allowing the appeal of the Respondent No.1-Insurance Company has reduced the amount of compensation awarded by the Motor Accidents Claims Tribunal, Ernakulam (for short, "the Tribunal") from Rs. 7,68,500/- to Rs. 3,90,000.

3. The Tribunal on the claim made by the claimants/appellants had awarded a compensation of Rs.7,68,500/- with interest at the rate of 9 per cent per annum from the date of filing of the claim petition. Being aggrieved by the compensation so awarded by the Tribunal, the Respondent No.1- Insurance Company had preferred an appeal before the High Court. By the impugned judgment and order, the High Court has allowed the appeal of the Respondent No.1- Insurance company and reduced the amount of compensation to Rs.3,90,000/-.

4. We have heard learned counsel for the parties to the lis.

5. After carefully gone into the judgment(s) and order(s) passed by the Tribunal as well as the High Court, we are of the opinion that in the peculiar facts and circumstances of the case, the High Court ought not to have allowed the appeal of the Respondent No.1-Insurance Company.

5. Accordingly, we allow this appeal, set aside the judgment and order passed by the High Court and restore the order passed by the Tribunal. The claimants/ appellants are now entitled for a total compensation of Rs.7,68,500/- with interest at the rate of 9 per cent per annum.

6. The Civil Appeal is disposed of accordingly.

.....J.
[H. L. DATTU]

.....J.
[SHIVA KIRTI SINGH]

NEW DELHI ,

OCTOBER 31, 2013.

ITEM NO. 43

COURT NO.4

SECTION XIA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).26659/2012

(From the judgement and order dated 16/03/2012 in MACA No.2381/2007 of
The HIGH COURT OF KERALA AT ERNAKULAM)

SREEJITH & ANR

Petitioner(s)

VERSUS

NATIONAL INS.CO.LTD.& ORS.

Respondent(s)

(With office report)

Date: 31/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Ashok Panigrahi, Adv.

Ms. N.M. Varghese, Adv.

Ms. Tessy Vrgheese, Adv.

Mr. K.V.Mohan,Adv.

For Respondent(s) Dr. Meera Agarwal,Adv.

Mr. Ramesh Chadnra Mishra, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

| [Charanjeet Kaur] | | [Vinod Kulvi] |

[Signed order is placed on the file]

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