

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 16959 OF 2017

(Arising out of S.L.P. (C) No. 18870/2017)

SUSANTA KUMAR PAL & ORS.

Petitioner(s)

VERSUS

DIVISIONAL MANAGER, ORIENTAL INSURANCE CO. LTD

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard the learned counsel appearing for the parties.
- 3) The brief facts of the present case are that on 02.03.2010 as a result of a motor accident, the pillion rider on a two wheeler died. The trial Court, after examining the witnesses, held that the driver of the motor vehicle which caused the death was rash and negligent and further went into the fact that the deceased was 42 years old and an income of Rs.5,000/- per month was arrived at. After deducting one third for personal expenses and applying the multiplier of fourteen, the amount awarded in favour of the relatives of the deceased was Rs.5,74,944/-.
- 4) In an appeal by the Insurance Company, the High Court by the impugned order dated 29.11.2016 interfered with the amount awarded on the ground that the interest of justice will be served if the amount awarded is reduced to Rs.5,25,000/-.
- 5) As can be seen from the perusal of the aforesaid order, no reasons were given for reducing the amount arrived at on the basis of the facts afore-stated.

6) This being the case, we set aside the impugned judgment of the High Court and restore the judgment of the trial Court.

7) The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
October 24, 2017.

ITEM NO.10

COURT NO.12

SECTION XI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18870/2017

(Arising out of impugned final judgment and order dated 29-11-2016
in MACA No. 283/2016 passed by the High Court Of Orissa At Cuttack)

SUSANTA KUMAR PAL & ORS.

Petitioner(s)

VERSUS

DIVISIONAL MANAGER, ORIENTAL INSURANCE CO. LTD

Respondent(s)

Date : 24-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Ritesh Kumar Chowdhary, AOR
Mr. Anshuman Nayak, Adv.
Mr. Vipul Agrawal, Adv.
Mr. Avinash Jha, Adv.

For Respondent(s) Mr. Ajay Singh, Adv.
Mr. Nafis A. Siddiqui, AOR
Mr. Debasish Mukherjee, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)