

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.2482 OF 2020
(@ out of SLP (Civil) No.4384/2017)

ANNA MARIA SERAFINA DA COSTA

Appellant(s)

VERSUS

NEW AGE PAINTERS & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of the Judgment and Order dated 04.08.2015 passed by the High Court of Karnataka, Dharwad in MFA No.2338/2010.

The claimant-mother had moved the Motor Accident Claim Tribunal seeking compensation in respect of death of her son. After considering the record, the Tribunal awarded compensation in the sum of Rs.4.45 lakhs alongwith interest @ 9% per annum. The appellant being aggrieved approached the High Court for enhancement in the compensation. The attempt in that behalf having been unsuccessful, the present appeal by special leave has been filed by the appellant.

According to the appellant, income tax returns of the deceased

filed on record indicated annual income to be Rs.2 lakh per annum which issue was held against her and the earning of the deceased was found to be in the range of 1.60 lakhs per annum.

Be that as it may, considering the facts and circumstances on record, in our view, ends of justice would be met, if the compensation is raised from 4.45 lakhs to 6.50 lakhs, keeping the other benefits including the rate of interest @ 9% per annum intact.

We order accordingly. This appeal, therefore, stands allowed in aforementioned terms. No order as to costs.

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

.....J.
(MOHAN M. SHANTANAGOUDAR)

.....J.
(VINEET SARAN)

New Delhi
June 1, 2020.

ITEM NO.22 Virtual Court 1 SECTION IV-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). 4384/2017

(Arising out of impugned final judgment and order dated 04-08-2015 in MFA No. 23338/2010 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

ANNA MARIA SERAFINA DA COSTA Petitioner(s)

VERSUS

NEW AGE PAINTERS & ORS. Respondent(s)

(List before the Hon'ble Court vide Hon'ble Judge in Chamber's Order dated 17.02.2020.

IA No. 1/2017 - CONDONATION OF DELAY IN FILING)

Date : 01-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Anil Kumar, AOR

For Respondent(s) Mr. Ambhoj Kumar Sinha, AOR

Dr.Sudhir Bisla, Adv.(R-4)
Mr. Pranaya Kumar Mohapatra, AOR

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications,if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)

