

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 7439 of 2019
(Arising out of SLP(C) No 26431 of 2013)

Uttar Pradesh Roadways, Muzaffarnagar Depot Appellant(s)

Versus

Rajnish & Ors.Respondent(s)

ORDER

Leave granted.

The present appeal has been filed against the order of the High Court enhancing compensation in a motor accident claim case to Rs.19,78,400/- from that awarded by the Tribunal at Rs.4,73,600/-.

The accident is stated to have taken place on 09.06.2009. The deceased is survived by his widow and minor children. The deceased was working on a regular salary in a private limited company and was 32 years of age.

The High Court enhanced the salary of the deceased from Rs.7,200/- to Rs.10,200/- by adding Rs.3,000/- being paid as house rent allowance, which was disallowed by the Tribunal. The deduction for personal expenses is also at $\frac{1}{3}$. The award of future prospects also calls for no interference.

The plea of the appellant with regard to the order of the High Court being *ex parte* without proper service of notice is belied from the order sheets annexed with the counter affidavit of Respondent Nos.1 to 3. The

compensation as awarded by the Tribunal is stated to have already been deposited.

We find no reason to interfere with the order of the High Court enhancing the compensation. The family of the deceased has been kept deprived of the benefit of the enhanced compensation. We, therefore, direct that the compensation as determined by the High Court after deducting the amount which has already been paid be paid to the respondents in accordance with the directions of the High Court. We further enhance the amount of interest as awarded by the High Court from 6% to 7.5%. The aforesaid amount shall be paid within a maximum period of eight weeks from today.

The appeal is dismissed with the aforesaid directions.

.....J.
[Navin Sinha]

.....J.
[Indira Banerjee]

New Delhi;
September 18 , 2019

ITEM NO.8

COURT NO.12

SECTION IV-B

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).26431/2013

(Arising out of impugned final judgment and order dated 10-09-2012 in FAO No. 6162/2010 passed by the High Court of Punjab & Haryana at Chandigarh)

UTTAR PRADESH ROADWAYS, MUZAFFARNAGAR DEPOT

Petitioner(s)

VERSUS

RAJNISH & ORS.

Respondent(s)

Date : 18-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Ms. Garima Prashad, AOR

For Respondent(s) Mr. Gagan Gupta, AOR

Mr. Abhinav Agrawal, AOR (NP)

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

Leave granted.

The appeal is dismissed in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(BEENA JOLLY)
COURT MASTER

(Signed order is placed on the file)