

ITEM NO.1

COURT NO.9

SECTION XI

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). 7306-7307/2019

(Arising out of impugned final judgment and order dated 12-09-2018 in FAFO No. 375/2017 12-09-2018 in FAFOD No. 685/2017 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

NEW INDIA ASSURANCE COMPANY LIMITED

Petitioner(s)

VERSUS

ABHA SRIVASTAVA & ORS.

Respondent(s)

Date : 22-08-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Petitioner(s) Mr. Vishnu Mehra, Adv.
Ms. Manjeet Chawla, AORFor Respondent(s) Mr. Romil Pathak, Adv.
Mr. Aravind.C, Adv.
Mr. Sandeep Agarwal, Adv.
Mr. Prashant Chaturvedi, Adv.
Mr. Vishal Tahlani, Adv.
Mr. Vinay Bhardwaj, Adv.
Mr. Ananya Mukherjee, Adv.
Ms. Neha Pathak, Adv.
Mr. Ashwani Bhardwaj, AORUPON hearing the counsel the Court made the following
O R D E R

It is mainly argued on behalf of the petitioner-Insurance Company that the High Court has erred in upsetting the findings on contributory negligence. Having gone through the findings recorded by the learned Tribunal as well as the High Court and, in the facts and circumstances of the case, we see no reason to interfere with the findings recorded by the High Court on contributory negligence.

No interference of this Court is called for in exercise of powers under Article 136 of the Constitution of India.

Insofar as the quantum of compensation awarded by the High Court is concerned, apart from the fact that no elaborate submissions have been made, even otherwise also, we are satisfied that the amount awarded by the High Court cannot be said to be too exorbitant which calls for interference of this Court.

However, so far as the interest enhanced by the High Court to 9% p.a. is concerned, the same is interfered with and it is reduced to 7% p.a. as awarded by the learned Tribunal. To the aforesaid extent, the impugned judgment and order passed by the High Court is modified.

The present Special Leave Petitions stand disposed of accordingly to the aforesaid extent.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR