

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2563 OF 2020
(ARISING OUT OF SLP(C) No.27201/2018)

KAMLABEN & ORS.

APPELLANT(S)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED

RESPONDENT(S)

O R D E R

Leave granted.

This appeal arises out of the impugned Judgment and Order dated 12.01.2018 passed by the High Court of Gujarat at Ahmadabad in First Appeal No. 5235 of 2008, whereby the High Court has reduced the compensation awarded by the Claims Tribunal.

On 26.02.1991, the deceased Kantibhai Kanjibhai Patel, a pillion rider on a motorcycle driven by one Hasubhai Desai was hit by a Tanker (GQC 4827) at Road No.66, near Gangadhara Tundi Chowki. While Hasubhai Desai died on the spot, Kantibhai Kanjibhai Patel (husband of Appellant No. 1 herein) succumbed to the injuries in Hospital.

A claim petition was filed before the Claims Tribunal for awarding compensation. The Claims Tribunal awarded a sum of Rs.13,67,000/- (Rupees Thirteen Lacs Sixty Seven Thousand) towards compensation, to be paid jointly and severally by the respondents, along with interest at the rate of 9% per annum from the date of the filing of claim application till the date of payment of the

compensation.

Being aggrieved, the Insurance Company challenged the same in the appeal. By way of impugned Judgment and Order dated 12.01.2018, the High Court reduced the compensation to Rs.8,89,000/- (Rupees Eight Lacs Eighty Nine Thousand). Thus, the appellants have preferred the appeal.

We have heard the learned counsel appearing for the parties at length and perused the material on record. In the facts and circumstances of the case, in our opinion, the assessment of income and determination of compensation awarded by the Tribunal was just and proper and needs to be restored. Thus, we set aside the impugned Judgment and Order dated 12.01.2018 passed by the High Court and restore the award passed by the Claims Tribunal.

The appeal is, accordingly, allowed.

Pending application(s), if any, shall stand disposed of.

.....J.
[ARUN MISHRA]

.....J.
[S. ABDUL NAZEER]

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JUNE 12, 2020.

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). 27201/2018

(Arising out of impugned final judgment and order dated 12-01-2018 in FA No. 5235/2008 passed by the High Court of Gujarat at Ahmedabad)

KAMLABEN & ORS.

PETITIONER(S)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED

RESPONDENT(S)

Date : 12-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MS. JUSTICE INDIRA BANERJEEFor Petitioner(s) Mr. MTM Hakim, Advocate
Mr. Ejaz Maqbool, AOR
Ms. Akriti Chaubey, Advocate
Isa Hakim, Advocate
Ms. Aishwarya Sarkar, AdvocateFor Respondent(s) Mr. Ajay Pal, AOR
Mr. J.P. Shookand, 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.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)