

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

CIVIL APPEAL NO. 5521 OF 2019
(Arising out of SLP(C) No. 28683 of 2018)

SMT. NIRMALA DEVI & ORS. .. APPELLANT

Versus

UNITED INDIA INSURANCE CO. .. RESPONDENTS
LTD. & ANR.

O R D E R

- 1. Delay condoned.**
- 2. Leave granted.**
- 3. This appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad in First Appeal From Order No. 1202 of 1992, dated 22.09.2017.**
- 4. On the claim petition filed by the appellants/claimants, the II Additional District Judge/M.A.C.T., Allahabad, (for short, "the**

Tribunal") had awarded a compensation of Rs.1,00,000/- along with interest at the rate of 10% from the date of filing of the claim petition.

5. Being aggrieved by the award so passed by the Tribunal, the appellants/claimants preferred appeal before the High Court. The High Court by the impugned judgment and order has enhanced the compensation by Rs.76,000/- along with interest at the rate of 9% cent on the additional amount over and above the compensation awarded by the Tribunal. Aggrieved by the order so passed by the High Court the appellants/claimants are before us in this civil appeal.

6. Heard learned counsel for the parties.

7. After carefully going through the judgment(s) and order(s) passed by the Tribunal as well as the High Court and keeping in view the peculiar facts and circumstances of the case, we consider it eminently just if the compensation awarded by the High Court be further enhanced by another sum of Rs.2,00,000/-.

8. Accordingly, while allowing this appeal we modify the judgment and order passed by the High Court. The appellants/claimants are now entitled for an enhanced amount of Rs.2,00,000/- over and above the compensation awarded by the High Court with an interest at the rate of 2% per annum on the enhanced amount from the date of order passed by the High Court as early as possible. The compensation so enhanced by us

shall be paid after deducting the amount already paid, if any.

9. The Civil Appeal is disposed of accordingly.

.....J.
[S.A. BOBDE]

.....J.
[B.R. GAVAI]

NEW DELHI;
JULY 15, 2019.

ITEM NO.40

COURT NO.2

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 for Special Leave to Appeal (C) No. 28683/2018

(Arising out of impugned final judgment and order dated 22-09-2017 in FAFO No. 1202/1992 passed by the High Court Of Judicature At Allahabad)

SMT. NIRMALA DEVI & ORS.

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO.LTD. & ANR.

Respondent(s)

(IA No. 143496/2018 - CONDONATION OF DELAY IN FILING
IA No. 143501/2018 - EXEMPTION FROM FILING O.T.)

Date :15-07-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Ms. Neerja Singh, Adv.
Mr. Sanjay Singh, Adv.
Mr. Rajeev Singh, AOR

For Respondent(s)

Mr. S.L. Gupta, Adv.
Mr. Ram Kishore Gupta, Adv.
Mr. Bikash Chandra, Adv.
Mr. Varinder Kumar Sharma, AOR

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the
signed order.

Pending application stands disposed of.

[CHARANJEET KAUR]
A.R.-CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR

[Signed order is placed on the file]