

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2488 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 8329 OF 2018]

DEEP CHAND & ANR. Appellant (s)

VERSUS

SHRIRAM GENERAL INSURANCE CO. LTD. Respondent(s)

O R D E R

Leave granted.

The present appeal arises out of the impugned Judgment and order dated 11.09.2017 passed by the High Court of Delhi at New Delhi in MAC APP No. 170/2016, whereby the High Court has reduced the compensation awarded by the Tribunal.

The facts reflect that on 19.03.2014, the son (deceased) of Appellant No. 1, while driving an autorickshaw (TSR), was hit by a speeding truck driven by Respondent No. 2. On 09.07.2014, a Claim Petition being Case No. 754/14 was filed by the appellants before the Motor Accident Claims Tribunal (in short, "the Tribunal") against the driver and the owner of the offending truck.

On 22.12.2015, the MACT, awarded a total compensation of Rs. 16,47,924/- (Rupees Sixteen Lakhs Forty Seven Thousand Nine Hundred and Twenty Four) along with interest at the rate of 9% per annum to

the appellants.

The respondents approached the High Court by filing MAC APP No. 170/2016. The High Court, vide impugned Judgment and order dated 11.09.2017, reduced the compensation to Rs. 8,97,000/- (Rupees Eight Lakhs Ninety Seven Thousand). Hence, the present appeal by way of special leave.

We have heard the learned counsel appearing for the parties and perused the material on record. In our opinion, in the peculiar facts and circumstances of the case, the award passed by the Tribunal was just and proper. Hence, we set aside the impugned Judgment and order passed by the High Court and restore the award passed by the Tribunal. The appeal is, accordingly, allowed.

No costs.

.....J.
[ARUN MISHRA]

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

.....J.
[INDIRA BANERJEE]

New Delhi;
JUNE 02, 2020.

ITEM NO.27

Virtual Court 3

SECTION XIV

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). 8329/2018

(Arising out of impugned final judgment and order dated 11-09-2017 in MACA No. 170/2016 passed by the High Court Of Delhi At New Delhi)

DEEP CHAND & ANR.

Petitioner(s)

VERSUS

SHRIRAM GENERAL INSURANCE CO. LTD.

Respondent(s)

Date : 02-06-2020 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 BANERJEE

For Petitioner(s) Mr. Mritunjay Kumar Sinha, AOR

For Respondent(s) Mr. Sameer Nandwani, Adv.
Mr. Shakil Ahmed Syed, AORUPON 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 interlocutory application(s), if any, is/are disposed
of.(JAYANT KUMAR ARORA)
COURT MASTER(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)