

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5145 OF 2017
(Arising out of SLP (C) No.3063 of 2017)

YOGESH @ YOGESHI

... Appellant

VERSUS

MOHAMMED SHARIEF AND ANR.

... Respondents

O R D E R

Leave granted.

The appellant, a victim of an accident in the year 2012, suffered injuries that caused neurological disorder which has been assessed at 60% by the Tribunal. The Tribunal, considering the facts and circumstances and the nature of the disability, determined compensation at Rs.3,16,800/- (Rupees three lac, sixteen thousand eight hundred only). On an appeal being preferred, the High Court enhanced it to Rs.6,88,700/- (Rupees six lac eighty eight thousand seven hundred only).

It is submitted by Mr. Sharanagouda Patil, learned counsel appearing for the appellant that the appellant was a *Hamal* at the railway station and the computation of income has not been correctly done. That apart, it is urged by the learned counsel, he has become dependent for his daily life and the amount determined by the Tribunal that has been enhanced by the High Court is not adequate.

Mr. Sameer Nandwani, learned counsel appearing for the respondent No.2, insurer, submits that the amount that has been awarded by the High Court is just and proper.

In course of hearing, learned counsel for the parties left it to the discretion of the Court. Regard being had to the nature of injuries sustained by the appellant, having considered the 60% of neurological disability and the age of the appellant ,i.e., 44 years, we think it appropriate that cause of justice would be best sub-served, if an amount of Rs.11,50,000/- (Rupees eleven lac fifty thousand only) is paid towards compensation *in toto*. The differential amount be deposited before the Tribunal within eight weeks hence. If the amount is not deposited within eight weeks from today, the differential sum shall carry interest @ 9% per annum from the date of application preferred by the claimant.

With the aforesaid modification in the order passed by the Tribunal that has been enhanced by the High Court, the appeal stands disposed of. There shall be no order as to costs.

.....,J.
(Dipak Misra)

.....,J.
(A.M. Khanwilkar)

New Delhi;
April 3, 2017.

ITEM NO.53

COURT NO.2

SECTION IVA

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). 3063/2017

(Arising out of impugned final judgment and order dated 06/01/2016 in MFA No. 287/2015 passed by the High Court of Karnataka at Bangalore)

YOGESH @ YOGESHI

Petitioner(s)

VERSUS

MOHAMMED SHARIEF AND ANR.

Respondent(s)

(with office report)

Date : 03/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Sharmanagouda Patil, Adv.
Ms. Supreeta Patil, Adv.
For M/s S-legal Associates.

For Respondent(s) Mr. Sameer Nandwani, Adv.
Mr. Shakil Ahmed Syed, AOR
Ms. Priyanka Bhanot, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed order.
There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(Madhu Narula)
Court Master

(Signed order is placed on the file)