

ITEM NO.6

COURT NO.4

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). 33853/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 18/09/2015
IN MFA NO. 5069/2012 PASSED BY THE HIGH COURT OF KARNATAKA AT
BANGALORE)

MANICKAM @ MANIKYAM @ MANIKYA

PETITIONER(S)

VERSUS

RELIANCE GENERAL INS. CO. LTD. AND ORS.

RESPONDENT(S)

Date : 15/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Anil Kumar, Adv. [N/P]

For Respondent(s)

Mr. Jaimon Andrews, Adv.
Mr. Naresh Kumar, Adv.

Mr. Rajat Brar, Adv.
Ms. Rameeza Hakeem, Adv.
Mr. Apoorv Chandra Saxena, Adv.
For M/s. Law Associates, 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.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2659 OF 2017
[Arising out of Special Leave Petition
(Civil) No.33853/2015]

MANICKAM @ MANIKYAM
@ MANIKYA ...APPELLANT

VERSUS

RELIANCE GENERAL INS. CO. LTD.
AND ORS. ...RESPONDENTS

ORDER

1. Leave granted.
2. We have perused the order of the High Court by which compensation under certain heads, as for example, loss of income on the basis of computation of notional income has been enhanced whereas the loss of earning capacity has been reduced from 50% to 25%. The net result of the exercise undertaken by the High Court is the reduction of the award of compensation from Rs.9,98,400/- to Rs.8,45,900/-. Aggrieved, the claimant has filed this appeal.

3. Having perused the order of the High Court and also that of the award passed by the Motor Accidents Claims Tribunal and taking into account the evidence of P.W. 2 -Dr. Sachidananda Rai we are of the view that the High Court was not justified in reducing the compensation as aforesaid. We, therefore, restore the order of the learned Tribunal and interfere with the order of the High Court to the extent of reduction made.

4. The appeal consequently is allowed in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(ASHOK BHUSHAN)

NEW DELHI
FEBRUARY 15, 2017