

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5399 OF 2017

(Arising out of S.L.P.(C) No.4332 of 2017)

Baljinder Kaur

Appellant(s)

Versus

Sher Singh and Another

Respondent(s)

O R D E R

Leave granted.

Heard Mr. Himanshu Gupta, learned counsel for the appellant and Mr. Harsh Kumar, learned counsel for the respondent No.2, United India Insurance Co. Ltd.

The present appeal, by special leave, calls in question the judgment and order dated 18th February, 2016, passed by the High Court of Punjab & Haryana at Chandigarh, in F.A.O. No.5676 of 2004, whereby it has modified the award passed by the Motor Accident Claims Tribunal, Sangrur, (for short, 'the tribunal') and determined the compensation at Rs.13,00,800/- (Rupees thirteen lakhs eight hundred) with the further stipulation that the said amount shall carry interest @ 7.5% per annum from the date of filing of the petition till the payment is made.

It is submitted by Mr. Himanshu Gupta, learned counsel for the appellant that the victim, a 19 year old girl, has suffered from extreme neurological disorder because of the accident in question, as a consequence of which, she has become totally dependent and, therefore, the amount

granted by the High Court is inadequate. Learned counsel for the insurer submits that the amount fixed by the High Court is justified.

In the course of hearing, a suggestion was given to the learned counsel for the parties that regard being had to the age of the girl and the permanent disability she has, the amount needs to be enhanced and, at that juncture, the learned counsel for the parties prayed for some time and agreed to obtain instructions. After obtaining instructions, they have left it to the discretion of this Court.

Having heard learned counsel for the parties, we direct that regard being had to the permanent disability the girl has suffered and the age she is in, we think that a further sum of Rs.12 lakhs be deposited before the tribunal within three months hence, failing which the said sum of Rs.12 lakhs shall carry interest at the rate of 7.5% from the date of presentation of application. The tribunal shall disburse the amount in accordance with law.

With the aforesaid modification in the order of the High Court, the appeal stands disposed of. There shall be no order as to costs.

.....J.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Mohan M. Shantanagoudar]

New Delhi
April 19, 2017.

ITEM NO.14

COURT NO.2

SECTION IVB

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.4332/2017

(Arising out of impugned final judgment and order dated 18/02/2016 in FAO No. 5676/2004 passed by the High Court of Punjab & Haryana at Chandigarh)

BALJINDER KAUR

Petitioner(s)

VERSUS

SHER SINGH AND ANR.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and office report)

Date : 19/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Himanshu Gupta, Adv.
Mr. Anil Kumar Tandale, AOR

For Respondent(s) Mr. Harsh Kumar, Adv.
Mr. Naveen N. Kumar, Adv.
Mr. Binay Kumar Das, AOR

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

Leave granted.

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

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)