

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2494 OF 2020
(Arising out of SLP (C) Nos. 7225 of 2020)
(Diary No. 47390 of 2018)

DINESH PRASAD & ANR.

Appellant(s)

VERSUS

RAJ PAL & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

After examining the relevant facts, evidence and decisions of the Tribunal and the High Court, we are of the considered view that the limited indulgence that needs to be shown in the present case is in respect of the conclusion reached about contributory negligence of the victim/deceased to the extent of 50 per cent.

In our opinion, however, taking overall view of the matter, the contributory negligence of the victim/deceased ought to have been reckoned as 25 per cent which would sub-serve the ends of justice and a just compensation amount to be paid to the appellants.

Accordingly, we modify the award as passed by the High Court in terms of impugned order to this limited extent.

In other words, we set aside the conclusion reached by the Tribunal and the High Court on the extent of contributory negligence of the victim/deceased and determine it at 25 per cent. The award passed by the High Court stands modified to that extent.

The respondent-insurance company is directed to deposit the enhanced compensation amount in the Tribunal in terms of this order within eight weeks from today, failing which the same shall bear interest at the rate of 9 per cent per annum from the date of filing of claim application. The amount so deposited be made over to the appellants on such terms as may be directed by the

Tribunal.

The appeal and pending application(s) are disposed of accordingly. No order as to costs.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

.....J
(SANJIV KHANNA)

New Delhi
June 03, 2020

ITEM NO.29

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 47390/2018

(Arising out of impugned final judgment and order dated 02-08-2018 in MACAP No. 167/2018 passed by the High Court Of Delhi At New Delhi)

DINESH PRASAD & ANR.

Petitioner(s)

VERSUS

RAJ PAL & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.14379/2019-CONDONATION OF DELAY IN FILING and IA No.14380/2019-CONDONATION OF DELAY IN REFILEING
IA No. 14379/2019 - CONDONATION OF DELAY IN FILING
IA No. 14380/2019 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 03-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Praveen Shehrawat, Adv.
Mr. C. K. Rai, AOR

For Respondent(s)

Mr. Sanjay Diwan, Adv.
Ms. Manjeet Chawla, AOR

Mr. Shuchi Singh, AOR

Mr. Sajay Kr. Dubey, Adv.

Ms. Asha Gopalan Nair, AOR

Mr. Amit Kumar Singh, AOR
Ms. K. Enatoli Sema, Adv.

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

Delay condoned.

Leave granted.

The appeal and pending application(s) are disposed of
in terms of the signed order.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]