

ITEM NO.8

COURT NO.10

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). 11953/2014

(Arising out of impugned final judgment and order dated 07/12/2012 in MACA No. 672/2012 passed by the High Court Of Delhi At New Delhi)

UTTARANCHAL STATE ROAD TRANS.CORP.

Petitioner(s)

VERSUS

RITU

Respondent(s)

(with office report)

Date : 24/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.
Ms. Anu Misra, Adv.

For Respondent(s) Mr. Shekhar Prit Jha, Adv.
Mr. Diwan Singh C., Adv.
Ms. Priya Singh, Adv.

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

Leave granted.

Appeal is allowed to the extent indicated in the signed order.

(NEELAM GULATI)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 924 OF 2017
(Arising out of SLP(C) No. 11953 of 2014)

UTTARANCHAL STATE ROAD TRANS.CORP. Appellant(s)

VERSUS

RITU Respondent(s)

O R D E R

Leave granted.

This appeal is against the judgment and order passed by the learned Single Judge of the High Court of Delhi at New Delhi in MAC. APP. No. 672 of 2012 on 07th December, 2012. The facts leading to the present appeal are as follows:

Ritu- respondent herein, met with an accident on 30th July, 1999(she was six years old at that time) while she was travelling with her parents in a bus from Delhi to Almora. In the midway at Garam

Pani bus stand when the bus stopped for some break all the passengers including the respondent, got down. One bus bearing UP-02C 6824 operated by U.P. State Roadways crushed her under its left wheel resulting the right leg and a part of the left leg completely crushed under the wheel of the bus. The respondent suffered multiple injuries to spinal cord and the injuries resulted in permanent disability to her requiring lifelong nursing care.

A Claim petition was filed before the Motor Accidents Claims Tribunal, Delhi (in short 'the Tribunal') on 22.2.1999. The Tribunal on 31st January, 2005 awarded a sum of Rs. 15,13,000/- along with interest @ 6% from the date of the filing of the claim petition till its realisation.

Aggrieved by the said Award, respondent filed an application bearing MAC. APP. No. 672 of 2012 in the High Court of Delhi at New Delhi. The High Court by its judgment dated 7th December, 2012 enhanced the amount awarded by the Tribunal from Rs.15,13,000/- (Rupees fifteen lakhs thirteen thousands only) to Rs.41,19,928/- (Rupees forty one lakhs Nineteen thousand nine hundred and twenty eight

only) along with interest @ 9% per annum from the date of filing of the claim petition till its realisation.

Aggrieved by the impugned order of the High Court the Corporation filed this appeal.

After hearing the learned counsel for the parties, we are of the opinion that except variation as to the rate of interest, no further modification is required in the Award passed. The High Court has granted interest at the rate of 9% per annum from the date of filing of the Claim Petition on the entire amount whereas the Tribunal has awarded interest at the rate of 6% per annum from the date of filing of the Claim Petition on the sum determined by it. We feel it appropriate that ends of justice would meet in case interest is confined to the rate of 6% per annum from the date of filing of the claims petition till the date of order passed by the High Court and on the enhanced amount interest at the rate of 9% per annum will be paid from the date of the order passed by the High Court till its realisation. Ordered accordingly.

With the aforesaid modification, let payment be made within a period of three months from today.

Appeal is allowed to the aforesaid extent.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI
JANUARY 24, 2017