

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 476 OF 2020
(Arising out of SLP(C)No. 8439 of 2019)

SUREKHA W/O RAJENDRA NAKHATE & ORS.

Appellant(s)

VERSUS

SANTOSH S/O NAMDEO JADHAV & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 04.01.2019 passed by the High Court of judicature at Bombay, Bench at Aurangabad in First Appeal No. 2564 of 2016, whereby the High Court, even though agreed with the stand of the appellants that just compensation amount ought to be Rs.49,85,376/- (Forty-Nine Lakh Eighty-Five Thousand Three Hundred Seventy-Six Only), however, declined to grant enhancement merely on the ground that the appellants had failed to file cross-appeal.

By now, it is well-settled that in the matter of insurance claim compensation in reference to the motor accident, the court should not take hyper technical approach and ensure that just compensation is awarded to the affected person or the claimants.

As a result, we modify the order passed by the High Court to the effect that the compensation amount payable to the appellants is determined at Rs.49,85,376/- (Forty-Nine Lakh Eighty-Five Thousand Three Hundred Seventy-Six Only), with interest thereon as awarded by the High Court.

The appeal is allowed in the above terms.

Pending applications, if any, stand disposed of.

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

.....J
(HEMANT GUPTA)

.....J
(DINESH MAHESHWARI)

New Delhi
January 21, 2020

ITEM NO.9

COURT NO.7

SECTION III

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

SLP(C) No. 8439 of 2019

SUREKHA W/O RAJENDRA NAKHATE & ORS.

Petitioner (s)

VERSUS

SANTOSH S/O NAMDEO JADHAV & ORS.

Respondent(s)

Date : 21-01-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s)

Mr. Uday B. Dube, AOR

For Respondent(s)

Ms. Meenakshi Midha, Adv.
Mr. Kpail Midha, Adv.
Ms. Pritika Juneja, Adv.
Mr. C.S. Ashri, AOR

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

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]