

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8187-8188 OF 2012
(SPECIAL LEAVE PETITION(C.)NOS.4010-4011 OF 2012)

ANU KUMAR

APPELLANT

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. These Appeals are directed against the judgment and order passed by the High Court of Himachal Pradesh, Shimla in FAO No.76 of 2010 and FAO No.131 of 2011, dated 02.08.2011. By the impugned judgment and order, the High Court has set aside the award passed by the Motor Accident Claims Tribunal(I), Kangra at Dharamshala (the 'Tribunal' for short) in granting a compensation of Rs.1,88,000/- with interest thereof.

3. In our opinion, the High Court, while setting aside the award passed by the Tribunal, has not analyzed the evidence properly that was produced

by the claimants before the Tribunal. In view of the peculiar facts and circumstances of the case, we cannot accept the findings and conclusions reached by the High Court. Therefore, while setting aside the orders passed by the High Court, we restore the order passed by the Tribunal.

4. The Appeals are allowed accordingly. No costs.



.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 21, 2012

JUDGMENT