

CASE NO.:
Appeal (civil) 4020 of 2002

PETITIONER:
SOUKAT

RESPONDENT:
MAHINDRA & MAHINDRA LTD. & ORS

DATE OF JUDGMENT: 28/02/2008

BENCH:
H.K. SEMA & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 4020 OF 2002

This appeal is directed against the judgment of the High Court dated 29/03/2001 passed in MFA No.5093/1998(MVC).

In a motor vehicle accident occurred in 1999, the appellant suffered bodily injuries . Pursuant to a claim petition preferred by the claimant, the Tribunal awarded Rs.3,70,500/- plus interest. Being not satisfied, the claimant preferred an appeal before the High Court for enhancement of the awarded amount. The respondent satisfied with the award did not file any cross appeal. Curiously enough, the High Court took up the appeal for enhancement of the award but reduced the awarded amount to Rs.1,00,000/- from Rs.3,70,500/-.

In our view, the procedure adopted by the High Court is unknown to the law. The order of the High Court is,2.

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accordingly, set aside. The award granted by the trial Court is restored. The payment of the awarded amount along with the interest shall be made within three months from today.

Appeal is allowed.