

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10811 OF 2013
(Arising out of SLP(C) No.19944/2011)

RAM GOPAL YADAV

Appellant(s)

:VERSUS:

PARAMJEET KAUR & ANR.

Respondent(s)

O R D E R

Leave granted.

2. This appeal arises out of an order dated 25.4.2007 passed by the High Court of Judicature at Allahabad in F.A.F.O. No.918 of 2004 whereby civil appeal filed by the appellant for enhancement of the amount of compensation awarded to him has been dismissed as barred by limitation.

3. We have heard the learned counsel for the parties at some length. In the ordinary course, since the High Court has dismissed the appeal only

on the ground of limitation, we could have condoned the delay and remitted the matter back to the High Court for a fresh order on merits but having regard to the fact that the accident in question took place as early as in the year 1999 in which the appellant lost a leg, we do not find remand to be a good option. We have in that view heard learned counsel for the parties at some length, on the merits of the claim for enhancement.

4. It is not in dispute that the appellant was 30 years of age on the date of the motor accident. It is also not in dispute that he is an educated person and was doing business in the sale of fertilizers. The fact that he has lost his leg in the accident is bound to not only affect his earning capacity but deprive him of several amenities in life. In the totality of all these circumstances and without going into the details, we are of the opinion that apart from the amount of Rs.45,000/- awarded by the Tribunal, payment of a lump sum amount of Rs.5,00,000/- (Five Lacs) inclusive of interest upto the date of this order towards compensation for the injury suffered by the

appellant would meet the ends of justice.

5. We accordingly, allow this appeal, set aside the judgment and order passed by the High Court and enhance the amount of compensation payable to the appellant by a sum of Rs.5 Lacs inclusive of interest upto the date of this order. The additional amount awarded by us shall be payable to the appellant by the Insurance Company within a period two months from today. In case the respondent Insurance Company fails to do the needful within a period of two months from today, the amount of Rs.5 Lacs shall start earning interest at the rate of 10% per annum from the date the period of two months expires till the date of payment. No costs.

JUDGMENT

.....J
(T.S. THAKUR)

.....J
(J. CHELAMESWAR)

New Delhi;
December 3, 2013.