

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5288 OF 2008

[Arising out of SLP(C) No. 3789/2007]

KALAPPA GANGAPPA PAGI

... APPELLANT(S)

:VERSUS:

**THE DIVISIONAL MANAGER, NATIONAL INSURANCE CO. ...
LTD. AND ORS.**

RESPONDENT(S)

ORDER

Leave granted.

The appellant herein, on a claim petition filed by him in respect of an accident which took place on 17.11.2002, was awarded a sum of Rs. 2,92,350/- by the Motor Accidents Claims Tribunal. The respondent – National Insurance Company preferred an appeal thereagainst before the High Court. By reason of the impugned judgment, the amount of compensation has been reduced to Rs. 1,56,600/-.

While doing so, the High Court has not assigned any reason, whatsoever, as to on what basis the said judgment was passed.

We, therefore, are of the opinion that the appeal preferred by the respondent herein in terms of Section 173 of the Motor Vehicles Act, 1988 should be considered afresh on merit and the High Court should pass a reasoned judgment.

The impugned judgment is, therefore, set aside and the matter is remitted to the High Court for consideration of the appeal afresh on merit.

The appeal is allowed with the aforementioned observation.

As nobody has appeared on behalf of the appellant, there shall be no order as to costs.

**.....J
(S.B. SINHA)**

**.....J
(CYRIAC JOSEPH)**

**NEW DELHI,
AUGUST 27, 2008.**