

A

RAVIRAJ UDUPA

v.

M/S UNITED INDIA INSURANCE COMPANY LTD. & ORS.
(Civil Appeal Nos. 7074-75 of 2011)

B

AUGUST 16, 2011

[G. S. SINGHVI AND H.L. DATTU, JJ.]

Motor Vehicles Act, 1988:

C

s. 166 – Compensation for injuries suffered – Private contractor, aged 32 years and earning Rs.12,000/- per month met, with a motor accident – Tribunal considering the nature of injuries sustained, loss of future income on account of disability and other factors, awarded compensation of Rs.4,06,400/- with 8% interest – High Court without recording reasons reduced the amount to Rs.2,82,600/- with 6% interest – HELD: The High Court, while tinkering with the conclusion reached by the Tribunal, should have assigned reasons in support of its conclusion – It is time and again said that the reasons are the links between the materials on which certain conclusions are based and the actual conclusions – They disclose how the mind is applied to the subject matter for a decision and reveal a rational nexus between the facts considered and conclusions reached and thereby, exclude the chances to reach arbitrary, whimsical or capricious decision or conclusion – There is no legal infirmity with the order passed by the Tribunal and the findings and the conclusions reached by it while assessing the entitlement of the claimant for compensation for the injury sustained by him are upheld – The judgment and order passed by the High Court is reversed and the judgment and awarded passed by the Tribunal restored – Judgments/Orders – Reasons for – compensation.

H

RAVIRAJ UDUPA v. UNITED INDIA INSURANCE 277
COMPANY LTD. & ORS.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. A
7074-7075 of 2011.

From the Judgment & Order dated 31.01.2009 of the High
Court of Karnataka at Bangalore in MFA No. 7617 of 2003(MV)
and MFA. Crob. No. 218 of 2004(MV).

S.N. Bhat for the Appellant. B

Shakil Ahmed Syed, K.L. Nandwani for the Respondents.

The Order of the Court was delivered by

H.L. DATTTU, J. 1. Leave granted. C

2. Heard learned counsel for the parties to the lis and
perused the record.

3. This appeal is directed against the Judgment and order
passed by the High Court of Karnataka in MFA No. 7617 of
2003 and MFA Crob. No. 218 of 2004, whereby the High Court
has reduced the compensation awarded by Motor Accident
Claims Tribunal (in short, "Tribunal"), passed in MVC No. 329
of 2003 and the cross objection of the claimant for
enhancement of compensation is dismissed. D

4. The appellant/claimant had filed the petition under
Section 166 of Motor Vehicles Act claiming compensation of
Rs. 20,00,000/- with interest in view of the injuries sustained
by him in a road accident. The claimant was a private contractor
and he was aged about 32 years on the date of the accident
and his monthly income was stated to be Rs. 12000/-. The
vehicle was insured with M/s United India Insurance Company
Ltd. (in short, "Insurance Company"), which did not seriously
dispute the nature of injuries sustained by the claimant in the
accident. He had sustained the fracture of condylar and
proximal 1/3 of right fibula. The Tribunal, taking into
consideration the nature of injuries sustained, the loss of future
income on account of disability and other factors, had assessed
the total compensation of Rs. 4,06,400/- (Rupees Four Lakhs
Six Thousand FOur Hundred only) with interest at 8% p.a. on
Rs.3,98,400/- from the date of petition till realization. E
F
G
H

A 5. The Insurance Company, being aggrieved by the order of the Tribunal, had preferred an appeal before the High Court. The claimant had also filed cross objection for enhancement of compensation awarded by the Tribunal.

B 6. The High Court, by the impugned Judgment and order, has reduced the compensation to Rs. 2,82,600/- (Rupees Two Lakhs Eighty Two Thousand Six Hundred only) with interest at 6% p.a. from the date of petition till its realization. While doing so, to say the least, the High Court has not stated any reasons whatsoever. It has mechanically juggled with the arithmetical calculation made by the Tribunal while modifying a well considered and reasoned order passed by the Tribunal. In our view, the High Court, while tinkering with the conclusion reached by the Tribunal, should have assigned reasons in support of its conclusion. It is time and again said that the reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for a decision and reveal a rational nexus between the facts considered and conclusions reached and thereby, excludes the chances to reach arbitrary, whimsical or capricious decision or conclusion. Therefore, we cannot agree with the conclusion reached by the High Court, which does not have supporting reasons.

F 7. We have carefully considered the findings and the conclusions reached by the Tribunal while assessing the entitlement of the claimant for compensation for the injury sustained by him. In our considered view, we do not find any legal infirmity with the order passed by the Tribunal. Therefore, while reversing the Judgment and order passed by the High Court in MFA No. 7617 of 2003, we restore the Judgment and award passed by the Tribunal dated 29.08.2003.

8. Accordingly, this appeal is allowed. Costs are made easy.

H R.P.

Appeal allowed.