

**SUPREME COURT OF INDIA**

Kalappa Gangappa Pagi

Vs.

Divisional Manager, Nat. Ins. Co. Ltd.

C.A.No.5288 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

27.08.2008

**ORDER**

1. Leave granted.
2. 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/-.
3. While doing so, the High Court has not assigned any reason, whatsoever, as to on what basis the said judgment was passed.
4. 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.
5. The impugned judgment is, therefore, set aside and the matter is remitted to the High Court for consideration of the appeal afresh on merit.
6. The appeal is allowed with the aforementioned observation.
7. As nobody has appeared on behalf of the appellant, there shall be no order as to costs.