

Damini and Another Vs Managing Director, Jodhpur Vidyut Vitran Nigam Limited and Another

Court: SUPREME COURT OF INDIA

Date of Decision: Sept. 14, 2017

Acts Referred: [Limitation Act, 1963](#), [Article 113](#), [Article 82](#) - [Fatal Accidents Act, 1855](#), [Section 1A](#) - Suit for compensation to the family of a person for loss occasioned to it by his death by actionable wrong.

Citation: 2017 AIR 4901 : (2017) 8 SCR 938 : (2017) 9 SCC 443 : (2017) 9 JT 95 : (2017) 11 Scale 450

Hon'ble Judges: Kurian Joseph, J; R. Banumathi, J

Bench: Division Bench

Advocate: BALRAJ DEWAN

Final Decision: Disposed Of

Judgement

Description of suit,Period of limitation,"Time from which

period begins to run

By executors,

administrators or

representatives

under the Indian

Fatal Accidents Act,

1855 (13 of 1855).","Two years.,"The date of the

death of the person

killed.

respectively, for whom and for whose benefit such action shall be brought, and the amount so recovered, after deducting all costs and",,

expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties, or any of them, in",,

such shares as the court by its judgment or decree shall direct.""",,

12. The appellants have placed reliance on the decision of this Court in Jay Laxmi Salt Works (P) Ltd. v. State of Gujarat, (1994) 4 SCC 1 to",,

justify their argument that Article 113 should be applied for computation of period of limitation. Jay Laxmi (supra) was not a case of death of a,,

person and it was also not a case under the Fatal Accidents Act, 1855. It pertained to a claim of damages for loss due to damage to property.",,

Therefore, Jay Laxmi (supra) has no relevance in a suit for damages under the Fatal Accidents Act, 1855. It is also to be noted that there is no",,

particular period of limitation under the Fatal Accidents Act, 1855. Therefore, the suit under Section 1A of the Fatal Accidents Act, 1855 has to",,

be filed within two years.,,

13. However on a query as to whether there is a scheme under the first respondent for providing compensation to the victims, the learned standing",,

Counsel has informed us that there is a scheme under the Rules now applicable wherein the legal heirs of the deceased person are entitled to a,,

one-time compensation of Rs. 5 lakhs. The accident is of the year 2008. Therefore, we are of the view that it is a fit case to invoke our jurisdiction",,

under Article 142 of the Constitution of India and grant Rs. 7 lakhs as compensation. The first respondent shall pay this amount to the first,,

appellant within two months from today otherwise the appellants will be entitled to interest of 12 per cent per annum from the date of the accident,,

and the officers responsible for the delay shall be personally liable for the same.,,

14. We make it clear that this order is passed under the peculiar facts of this case and hence, it is not to be treated as a precedent.",,

15. The appeal is disposed of as above. There shall be no order as to costs.,,