

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 411 of 1999

Appellant :- U.P. State Road Transport Corporation

Respondent :- Smt. Khurshid Begum And Others

Counsel for Appellant :- Samir Sharma, Sunil Kumar Misra

Hon'ble Saral Srivastava, J.

1. Heard Sri P.K. Singh holding brief of Sri S.K. Mishra, learned counsel for the appellant.

2. The present appeal has been filed by appellant challenging the award dated 07.01.1999 passed by Motor Accident Claims Tribunal/IVth Additional District Judge, Bulandshahar in M.A.C. No.21/1996.

3. Challenging the award, learned counsel for the appellant has contended that the compensation awarded by the tribunal is excessive inasmuch as the accident had taken place in the year 1995 and the tribunal without there being any evidence on record in respect to income of the deceased held the income to be Rs.2500/- per month. It is further submitted that in absence of any evidence on record, the tribunal should have taken the notional income of Rs.15,000/- per annum as income of the deceased for the purpose of computation of compensation. It is further submitted that the award of 12% interest is also excessive.

4. Be that as it may, there may be some substance in the submission of learned counsel for the appellant in respect to the assessment of income of the deceased by the tribunal but

the fact remains that the tribunal is duty bound to award just and adequate compensation. In the instant case, the age of the deceased was 30 years and therefore, the claimant is also entitled to 40% future prospect which has not been awarded by the tribunal. In such view of the fact, this Court is not inclined to interfere with quantification of compensation.

5. So far as the award of 12% interest is concerned, this Court may note that the accident had taken place in the year 1995 and at that time, normal rate of interest was around 12%.

6. Consequently, the appeal lacks merit and is **dismissed**.

Order Date :- 27.10.2023

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