

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2007 of 2004

Appellant :- The United India Insurance Co. Ltd.

Respondent :- Kanhaiya And Others

Counsel for Appellant :- Arun Prakash

Counsel for Respondent :- Ramesh Kumar Shukla,A.K.

Mishra,Abhinab Mishra,Ramesh Kumar Shukla,U.K. Mishra

Hon'ble Saral Srivastava,J.

Heard learned counsel for the appellant and learned counsel for the respondents.

The present appeal has been filed by the appellant against the award dated 30.04.2004 passed by Motor Accident Claims Tribunal/IV Additional District Judge, Bijnor in M.A.C.P. No.187 of 2001.

Challenging the said award, learned counsel for the appellant has contended that the deceased was bachelor, therefore, considering the judgement of the Apex Court in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and others 2009 (6) SCC 121**, Tribunal should have deducted 1/2 towards personal expenses of the deceased instead of 1/3, and therefore, the compensation awarded by the Tribunal is excessive.

Per contra, learned counsel for the respondents submits that the compensation awarded by the Tribunal is just and proper hence, the same does not call for interference by this Court in the appeal.

I have considered the rival submissions advanced by learned counsel for the parties and perused the record.

So far as the submission of learned counsel for the appellant with regard to deduction of 1/2 towards personal expenses of the deceased instead of 1/3 is concerned, it is settled in law that the Courts are duty bound to award just and proper compensation. In the instant case, if the Tribunal had awarded future prospect, the compensation would have been almost the same, therefore, this Court is not inclined to entertain the submission of the learned counsel for the respondents in respect to quantification of compensation.

11. Thus, for the reasons given above, the appeal lacks merit and is accordingly, ***dismissed***. There shall be no order as to costs.

Order Date :- 2.11.2023

NS