

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 140 of 1996

Appellant :- U.P.S.R.T.C. Lucknow And Another

Respondent :- Smt. Kanta Goel And Others

Counsel for Appellant :- Sunil Kumar Mishra, Sunil Kumar Misra

Counsel for Respondent :- Vijai Bahadur, D.V. Jaiswal, T.P. Singh

Hon'ble Saral Srivastava, J.

Order on Appeal:-

1. Heard Sri P.K. Singh, learned counsel for the appellants.
2. The present appeal has been filed by the appellants challenging the award dated 14.12.1995 passed by Motor Accident Claims Tribunal/12th Additional District Judge, Kanpur Nagar in M.A.C.P. No.239/1990.
3. Challenging the award, learned counsel for the appellants has contended that the compensation awarded by the tribunal is excessive inasmuch as it is the case of the claimant-respondents that the deceased was working in four companies and it was not possible for a person to work in four companies at a time. Accordingly, it is submitted that the tribunal has erred in holding the income to be Rs.9,300/- per month. It is further contended that the multiplier applied is excessive inasmuch as considering the age of the deceased, the tribunal should have applied the multiplier of 14 instead of 15.
4. Be that as it may, the claimants-respondents proved the employment of the deceased by producing representative of the company who categorically deposed that the deceased

was working in the company and was getting the salary. The tribunal has taken the income of the deceased on the basis of statement of the representative of the company. The appellant did not lead any evidence in rebuttal to the testimony of representative of company proving the employment and salary of the deceased and as such, this Court is not inclined to interfere with the finding of the tribunal in respect to the assessment of income of the deceased.

5. So far as the submission of learned counsel for the appellants with respect to employment is concerned, there may be substance in the statement of learned counsel for the appellants inasmuch as the deceased was aged about 42 years, therefore, the tribunal should have applied the multiplier of 14 instead of 15. However, the fact remains that the tribunal is duty bound to award just and adequate compensation and in the instant case, the tribunal has not awarded any amount towards future prospect. Consequently, this Court is not inclined to interfere with the finding of the tribunal.

6. For the reasons given above, the appeal lacks merit and is **dismissed**.

Order on Cross Objection:-

List has been revised. No one is present for the cross objector. Consequently, the cross objection is **dismissed** for want of prosecution.

Order Date :- 30.10.2023

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