

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1065 of 1997

Appellant :- M/S. Oriental Insurance Co. Ltd.

Respondent :- Smt. Jamamulnishan And Another

Counsel for Appellant :- Sushil Kumar Mehrotra

Counsel for Respondent :- Santosh Kumar

Hon'ble Saral Srivastava,J.

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

2. The present appeal has been filed by the appellant against the award dated 05.08.1997 passed by Motor Accident Claims Tribunal/Vith Additional District Judge, Kanpur Dehat in M.A.C.P. No.170 of 1994.

3. Challenging the award, learned counsel for the appellant has contended that the compensation awarded by the Tribunal is excessive. It is contended that the Tribunal has erred in law in not deducting any amount towards personal expenses of the deceased in computing the compensation. It is further submitted that the award of interest @ 12 per annum by the Tribunal is on higher side.

4. Per contra, learned counsel for the respondents would contend that the compensation awarded by the Tribunal is just and proper and does not call for any interference by this Court.

5. Be that as it may, though the learned counsel for the appellant Insurance Company may be right in his submission that the Tribunal should have deducted 1/2 towards personal expenses of

the deceased since the deceased was a bachelor, but in the instant case, the Tribunal has not awarded any amount towards future prospect. This Court is under obligation to award just and fair compensation. Since, the Tribunal has not awarded any amount towards future prospect, therefore, this Court is not inclined to interfere with the award on the issue of quantification.

6. So far as the award in respect to interest is concerned, this Court is of the view that at the relevant time 12% interest was prevalent, and therefore, the submission of learned counsel for the appellant in respect to interest is also not sustainable.

7. Thus, for the reasons given above, the appeal lacks merit and is accordingly **dismissed** with no order as to costs.

Order Date :- 18.10.2023

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