

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2853 of 2003

Appellant :- Smt. Mufeeda Begum And Others

Respondent :- Mastaq Ahmad And Others

Counsel for Appellant :- M.P.Sarrafa, Amit Kumar Singh, Ram Singh

Counsel for Respondent :- Mohd.Haseeb Uddin Siddiqui

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the appellants and Sri Mohd. Ashim holding brief of Sri Mohd. Haseeb Uddin Siddiqui, learned counsel for the respondents.

2. The present appeal has been filed against the award dated 27.07.2003 passed by Motor Accident Claims Tribunal, Aligarh in MACP No.73 of 1999, whereby the tribunal has awarded a compensation of Rs.5,7,010/- alongwith 9% interest from the date of institution of claim petition for the death of one Abrar Ahmad in an accident on 26.05.1998.

3. Only contention of learned counsel for the appellants is that the deceased was aged about 40 years at the time of accident and, therefore, the tribunal ought to have awarded 40% towards future prospect in view of the judgement of the Apex Court in the case of **National Insurance Company Limited v. Pranay Sethi and Others 2017 (16) SCC 680**. Accordingly, it is submitted that the compensation awarded by the tribunal is on lower side and needs enhancement by this Court.

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

5. This Court finds substance in the submission of learned counsel for the claimants in view of the judgement of the Apex Court in the case of **Pranay Sethi (supra)** and accordingly, awards 40% towards future prospect to the claimants.

6. No other point has been urged by learned counsel for the appellants.

7. The appeal is **partly allowed** and the award of the tribunal is modified to the extent indicated above. The tribunal is directed to calculate the same in the light of observations made above. It is further provided that the enhanced amount of compensation shall carry 6% interest from the date of institution of claim petition till the amount is paid.

Order Date :- 31.10.2023

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