

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2829 of 2006

Appellant :- U.P. State Road Transport Corporation

Respondent :- Giri Raj And Others

Counsel for Appellant :- Samir Sharma(Senior Adv.),Sanjeev Kumar Yadav

Counsel for Respondent :- S.P. Mishra,Ahmad Saeed,M. Islam,Pramod Kumar Singh,Sanjay Kumar

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the appellant challenging the award dated 29.07.2006 passed by Motor Accident Claims Tribunal/Additional District and Sessions Judge, Anoop Shahar, District Bulandshahar in M.A.C.P. No.141/2002.
3. Challenging the award, learned counsel for the appellant has contended that the Tribunal has erred in law in holding the income of the respondent/claimant to be Rs.4500/- per month without there being any evidence on record in respect to the income of the deceased. It is contended that even in the case of **Laxmi Devi and Others Vs. Mohammad Tabbar and Another, 2008 AICC 915 (SC)**, the Apex Court held the notional income a person to be Rs.3000/- per month in an accident which has taken place in the year 2004, therefore, the compensation awarded by the Tribunal is excessive and is not sustainable in law.
4. Be that as it may, the submission of learned counsel for the appellant in respect to the income of the claimant/respondent assessed by the Tribunal to be Rs.4500/- per month is excessive has substance but the fact remains that the Tribunal is under

obligation to award just and proper compensation. In the instant case, the Tribunal has not awarded any amount towards future prospect though the respondent/claimant is entitled to future prospect in view of the judgment of Apex Court in the case of **Pappu Deo Yadav Vs. Naresh Kumar & Others AIR 2020 SC 4424**. In such view of the fact, this Court is not inclined to interfere with the quantum of compensation.

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

Order Date :- 31.10.2023

R.S. Tiwari