

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 312 of 2007

Appellant :- The New India Assurance Company Ltd.

Respondent :- Ram Saroj Sonkar And Others

Counsel for Appellant :- Ramesh Singh,K.L. Grover

Counsel for Respondent :- Gajendra Singh,J.P.Tripathi,Shailendra Singh,T.K. Tripathi

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been preferred by the appellant-insurance company against the award dated 07.11.2006 passed by the Motor Accident Claims Tribunal/Additional District Judge, Court No. 1 Kanpur Dehat (hereinafter referred to as 'Tribunal') in M.A.C.T. No. 246 of 2003 whereby the Tribunal has awarded Rs.13,20,000/- alongwith 6% interest as compensation to the claimants/appellants.
3. Challenging the aforesaid award, learned counsel for the appellant has contended that the assessment of income of the deceased to be Rs. 15,000/- by the Tribunal is on higher side since, there was no evidence on record in respect of income of deceased. It is further submitted that the deceased was bachelor, therefore, Tribunal should have deducted half towards personal expenses of the deceased instead of 1/3 in computing the compensation.
4. Per contra, learned counsel for the respondents submits that compensation awarded by the Tribunal is just and proper and the same does not call for interference by this Court in appeal.
5. Be that as it may, the accident had taken place in the year 2003, and therefore, assessment of income of the deceased to be Rs. 15,000/- by the Tribunal cannot be by any stretch of imagination said to be excessive.
6. The submission of learned counsel for the appellant that Tribunal should have deducted half towards personal expenses of the deceased in place of 1/3rd in view of the fact that deceased was bachelor has substance, but the fact remains that the Court is under obligation to award just and proper compensation. In the instant

case the Tribunal has not awarded any amount towards future prospects. In such view of the fact, this Court is not inclined to interfere with the quantification of compensation.

7. Consequently, the present appeal lacks merit and is hereby ***dismissed*** with no order as to costs.

Order Date :- 12.10.2023

Vikram