

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 2569 of 2005

Appellant :- New India Assurance Co Ltd

Respondent :- Smt. Suneelam And Others

Counsel for Appellant :- S.C. Srivastava

Counsel for Respondent :- Rakesh Kumar Porwal

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-insurance company challenging the award dated 22.07.2005 passed by Motor Accident Claims Tribunal, Etawah in M.A.C.P. No.234/2001.
3. Challenging the award, learned counsel for the appellant has contended that the compensation awarded by the tribunal is excessive. It is submitted that the deceased was BTC student and therefore, the tribunal has erred in law in holding the income of the deceased to be Rs.4500/- per month considering the fact that the accident had taken place in the year 2001. It is submitted that the compensation needs reduction.
4. Per contra, learned counsel for the respondents has contended that the compensation awarded by the tribunal is just and proper and is not excessive. It is submitted that the deceased was BTC student and in such view of the fact, the quantification of compensation does not warrant any

interference by this Court in its appellate jurisdiction.

5. Be that as it may, it is not denied that the deceased was BTC student. Though, there may be some substance in the submission of learned counsel for the appellant that the assessment of income of the deceased is on higher side but the tribunal has not awarded any amount towards future prospect. The Court is under obligation to award just and proper compensation and therefore, considering the fact that no amount towards future prospect has been awarded, this Court is not inclined to interfere with the award passed by the tribunal.

6. Consequently, the appeal lacks merit and is **dismissed**.

Order Date :- 17.10.2023

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