



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 62 of 2020

13 December, 2024

Reliance General Insurance Company Ltd. –Appellant

Versus

Smt. Gohar Bano and others --Respondents

Presence:-

Mr. Bharat Tewari, Advocate for the appellant.

Mr. Bhagwat Mehra, Advocate for respondent nos.1 and 4.

Hon'ble Vivek Bharti Sharma, J. (Oral)

This appeal is filed against award dated 27.11.2019 passed by the Motor Accident Claim Tribunal (*for short "MACT"*), Dehradun in MACP No.211 of 2017, *Smt. Gohar Bano Vs. Sanjeev Nagpal and others*, whereby the learned Tribunal had awarded a compensation of ₹48,86,736/- with simple interest @7% annually from the date of filing the claim petition.

2. Learned counsel for the appellant/insurance company would submit that though by the previous order the notice were directed to be served upon the private respondents /claimants, however, despite the steps taken by the appellant/insurance company, respondent no.2 and 3 could not be served as the registered post envelope was received back with reports that respondent nos.2 and 3 have left the address.

3. Learned counsel for the appellant/insurance



company and counsel for claimant/respondent nos.1 and 4 would submit that respondent nos.2 and 3 are owner and driver of the vehicle in question respectively; that, respondent nos.2 and 3 proceeded ex-parte in the Tribunal also; that, they are formal parties as no relief is claimed against respondent nos.2 and 3, therefore, they are not required to be served with the notice.

4. Learned counsel for the appellant/insurance company would submit that this appeal has been preferred on several grounds, however, he would like to restrict himself to only on the ground that compensation has been calculated on the income of the deceased without deducting the amount of the income-tax paid by him resulting into higher compensation by an amount of ₹2,50,000/- approximately.

5. Per contra, learned counsel for respondent nos.1 and 4/claimants would rebut the contentions of learned counsel for the appellant/insurance company on the ground that the submissions of the learned counsel for the appellant/insurance company is factually incorrect as in paragraph no.17 of the impugned award learned MACT has specifically deducted the income-tax from the annual salary of the deceased @ income-tax prevalent in the year 2017 i.e. the year of the accident.

6. Considered and perused the record in view of



the submissions made by the learned counsel for the appellant/insurance company and counsel for respondent nos.1 and 4/claimants. In view of paragraph no.17 of the impugned award, it is abundantly clear that the learned Tribunal had deducted the income-tax @ which was prevalent in the relevant year and only after that the compensation was awarded.

7. In view of the above, there is no force in the submissions of learned counsel for the appellant/insurance company, who has pressed only one ground and relinquished other grounds, even otherwise, this Court does not find any illegality or incorrectness in the award passed by the learned MACT.

8. Accordingly, the present appeal from order is dismissed and the order passed by the learned MACT concerned is hereby affirmed.

(Vivek Bharti Sharma, J.)
13.12.2024

SS

SUKHBANT SINGH