

Court No. - 20

Case :- FIRST APPEAL FROM ORDER No. - 308 of 2002

Appellant :- U.P.State Road Transport Corporation Thru
Reg.Manager Lko.

Respondent :- Mahendra Singh And Another

Counsel for Appellant :- D.K. Srivastava,Ambika Prasad,Tahir
Abbas Rizvi

Counsel for Respondent :- Akhter Abbas,Prabhakar Tiwari

Hon'ble Manjive Shukla,J.

1. Heard Sri Ambika Prasad, learned counsel appearing for the appellant, Uttar Pradesh State Road Transport Corporation (hereinafter referred to "UPSRTC"), Lucknow.
2. This First Appeal From Order has been filed challenging therein the order/award dated 17.07.2001 passed by the Additional District Judge (Court No. 5)/Motor Accident Claims Tribunal, Sitapur in M.A.C. No. 117 of 1992, Mahendra Singh Vs. UPSRTC and another.
3. Learned counsel appearing for the appellant has submitted that the accident in question has not been denied and this appeal has been filed only on the ground of quantum of compensation awarded in favour of the claimants. It has further been submitted that the income of the injured was taken to be Rs. 1400/- per-month whereas actually, he was not earning the said amount at that point of time, accordingly Motor Accident Claims Tribunal has erred while assessing the income of the injured as Rs. 1400/- per-month thereby awarding compensation amount of Rs. 1,51,000/- in favour of the claimants.
4. Learned counsel appearing for the appellant has further submitted that the Motor Accident Claims Tribunal, Sitapur has awarded excessive rate of interest i.e. 12% whereas in the year 2001, the prevalent rate of interest was at a lower side.
5. This Court finds that notices were issued to respondents which have already been served but none has turned up from the side of respondents.
6. I have considered the arguments advanced by the learned counsel appearing for the appellant and I find that the Motor Accident Claims Tribunal, Sitapur has been very lenient while

assessing the monthly earnings of the injured and has only assessed his income as Rs. 1400/- per-month whereas even notional income of a non-working person may be more than Rs. 1400/- per-month at the time of the accident.

7. So far as the rate of interest is concerned, this Court also finds that in the year 2001, when this Motor Accident Claim was decided, the prevalent rate of interest was on higher side, therefore, Tribunal has not committed any error while granting 12% Simple Interest over the awarded amount.

8. In view of the aforesaid reasons, this Court does not find any infirmity in the award dated 17.07.2001 passed by the Additional District Judge (Court No. 5)/Motor Accident Claims Tribunal, Sitapur in M.A.C. No. 117 of 1992, Mahendra Singh Vs. UPSRTC and another.

9. Accordingly, this First Appeal From Order is ***dismissed***.

10. Further direction is issued to Motor Accident Claims Tribunal, Sitapur to release the entire amount deposited before it in favour of the claimants within a period of six weeks (if not already released).

11. It is further provided that the statutory deposit made before this Court at the time of institution of this appeal shall be remitted to Motor Accident Claims Tribunal, Sitapur within a period of three weeks from today and on receiving amount, the Motor Accident Claims Tribunal shall release the same within a period of six weeks thereafter, in favour of the claimants.

Order Date :- 19.3.2024

A. Mandhani