



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MACApp. No. 3 of 2024

Date of Decision: 08.09.2025

United India Insurance Company Ltd.,
Beat House, Laitumkhrah,
Shillong, Meghalaya - 793003
Represented by its authorized signatory

.....Appellant

- Versus-

1. Shri. Abdul Sattar,
S/o (L) Montaj Ali,
R/o. Barbari, P.O. Lalarchowk,
P.S. Badarpur, District-Karimjang,
Assam.
2. Shri. Shangaimon Kshi,
R/o Rymbai Village, East Jaintia Hills,
Meghalaya
(Owner of Vehicle No. ML 04 A 4379)

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S. Jindal, Adv. Mr. I. Kharmujai, Adv. Ms. T. Pohlong, Adv.
For the Respondent(s)	:	Mr. N.I. Choudhury, Adv. for R 1.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER

1. This is an appeal from the judgment and order dated 30.08.2024 passed by the learned Member, Motor Accident Claims Tribunal (MACT), East Khasi Hills District, Shillong in MAC Case No. 41 of 2012, the appellant/United Insurance Company Limited being the opposite party No. 2 in the said MAC case being aggrieved thereof.

2. On perusal of the records, it is seen that the claimant, Shri. Abdul Sattar has filed an application under Section 163A and 165 read with Section 140 of the Motor Vehicles Act, 1988 with a prayer for grant of compensation on account of an accidental death of his son (L) Kabir Uddin aged about 19 years who on 31.12.2009 along with the driver of a vehicle was kidnapped at about 5:00 p.m. and the dead bodies of both his deceased son and the driver of the vehicle (L) Lutfur Rahman was recovered on 01.01.2010 from Leshka Wahlamu, Jaintia Hills District, Meghalaya. The particulars of the vehicle involved are also found in the claim application being a Tata Sumo Vehicle No. ML 04 A 4397.

3. It may also be mentioned that in this regard upon recovery of the dead bodies of the son of the claimant and the driver of the said vehicle, the police have registered a criminal case being Khliehriat P.S. Case No. 01(01) of 2010



under Section 364/302/201/379/34 IPC. However, the case ended by filing of a final report by the Investigating Officer.

4. It is also seen from the records that the Opp. Party No. 1 has failed to appear and contest the claim, as such, vide order dated 18.10.2013, the learned MACT has passed an order to proceed ex parte against such opposite party. The Opp. Party No. 2/Insurance Company has contested the claim by filing written statement.

5. The learned MACT has then framed as many as 6(six) issues, inter alia, whether the claim is maintainable in its present form, whether the death of the son of the claimant was due to the accident arising out of the use of motor vehicle. Thereafter, the claimant/respondent No. 1 herein has produced 4(four) witnesses from his side and has exhibited 5(five) documents to support his case. The Opp. Party No. 2/Insurance Company has not adduced any evidence in the case.

6. The learned Tribunal on completion of recording of evidence of the claimant, and upon hearing the parties, has appreciated the evidence in the light of the issues framed, has come to the finding that a case has been made out for grant of compensation in favour of the claimant/respondent No. 1 herein and has awarded a sum of ₹ 11,41,000/- (Rupees eleven lakhs, forty-one thousand) only with simple interest @ 9% per annum from the date of filing the claim petition, that is, 14.09.2012 till payment of the same. The



appellant herein is directed to deposit the claim amount with the Tribunal within 30(thirty) days from the date of receipt of the copy of the judgment.

7. Heard Mr. S. Jindal, learned counsel for the appellant/Insurance Company, who has submitted that, at the outset, the endeavour of the appellant is to prove that the claim application is not maintainable before the Motor Accident Claims Tribunal and therefore, the challenge on jurisdiction is hereby raised.

8. To elaborate on this contention, the learned counsel has submitted that the learned Tribunal lacked the jurisdiction to adjudicate in the matter, the reason being that the death of the deceased son of the claimant/respondent No.1 was not caused out of the “*use of a motor vehicle*”. The fact is that the deceased son of the claimant was a handy man of one vehicle, a Tata Sumo. One day, while the deceased and the driver were in the said vehicle, some miscreants took the vehicle and killed both the occupants. Because a vehicle was involved when the deceased was murdered at the relevant point of time, a claim application was filed before the MACT.

9. It is the submission of the learned counsel that, from the surrounding circumstances involving the death of the deceased son of the claimant/respondent No. 1, the case is one of murder simpliciter and not a case of accidental murder or one which happened when the vehicle was in use. The fact being that the vehicle in which the deceased was travelling, was recovered



on the next day, as such, the intention behind the felony was not theft of the vehicle. In this regard the case of **Rita Devi (Smt) & Ors v. New India Assurance Co. Ltd. & Anr, (2000) 5 SCC 113**, para 10 and 14 has been cited to support his contention.

10. To further consolidate his argument on this point, the learned counsel has submitted that CW-4 who was the Investigating Officer (I/O) of the U.D case in his deposition before the Tribunal on being cross-examined has stated that “...*it is also not a fact that the reason for the murder of the deceased was for the purpose of stealing the vehicle.*” This piece of evidence would only confirm the fact that the dominant intention of the miscreants was not the theft of the vehicle, but the murder of the occupants of the vehicle. The ratio in the case of Rita Devi (supra) would therefore apply to the case of the parties herein.

11. The learned counsel has also stated that the issue of jurisdiction in a case of similar circumstances has been dealt with by the Hon’ble Gauhati High Court which is reflected in the case of **Maya Rani Ghosh v. State of Tripura & Ors, reported in 2007 SCC OnLine Gau 7**, para 46 which reads as follows:

“**46.** In short, Motor Accidents Claims Tribunals deal with accidents, which arise out of neglect or default. What is worth pointing out now, is that the Claims Tribunal, which are constituted under Section 165 of the Motor Vehicle Act, 1988, decide only those cases of death or injury which arise, because of neglect or default, in the use of motor



vehicles, in public place. These Tribunals do not deal with, or determine, any question of damages if a person dies due to wrongful act of a person, who uses a vehicle in a public place. To make it more explicit, we may point out that when an injury or death occurs due to negligence or default, a Claims Tribunal, constituted under the MV Act, 1988, can determine the question of compensation; but if the person is deliberately killed or injured in a public place, the claim for compensation, arising out of such wrongful act, will not lie in the Motor Accidents Claims Tribunal, constituted under the MV Act of 1988. In such cases, the injured, or the legal representatives of the deceased, as the case may be, shall have to necessarily take recourse to the provisions of the Act of 1855 and seek their remedy in the ordinary civil Courts. In short, the Motor Accidents Claims Tribunals deal with specified classes of tortious liability; but in respect of claims for damages arising out of other classes of cases of tortious liability, the jurisdiction still remains vested in the civil Courts and would remain so vested in the civil Courts until legislature creates a tribunal or some other forum for decision of such cases.”

12. Again, to understand the term ‘use of the motor vehicle’, the learned counsel has referred to the case of **Shivaji Dayanu Patil & Anr. v. Vatschala Uttam More, (Smt): (1991) 3 SCC 530**, para 36 which reads as follows:

“36. This would show that as compared to the expression "caused by", the expression "arising out of" has a wider connotation. The expression "caused by" was used in Sections 95(1)(b)(i) and (ii) and 96(2)(b)(ii) of the Act. In section 92-A, Parliament, however, chose to use the expression "arising out of" which indicates that for the purpose of awarding compensation under Section 92-A, the causal relationship between the use of the motor vehicle and the accident resulting in death or permanent disablement is not required to be direct and proximate and it can be less immediate. This would imply that accident should be connected with the use of the motor vehicle but the said connection need not be direct and immediate. This construction of the expression "arising out of the use of a motor vehicle" in Section 92-A enlarges the field of protection made available to the victims of an accident and is in consonance with the beneficial object underlying the enactment.”



13. It is therefore the submission of the learned counsel that on this ground alone, the impugned judgment and award is liable to be set aside and quashed. However, in case, this Court is of the opinion that jurisdiction lies with the learned Member, MACT to decide the case as has been done, the second limb of argument of the appellant is on the issue of maintainability as regard the quantum of income brought forth by the claimant/respondent No. 1, that is, that the deceased was said to be earning ₹ 5000/- per month or ₹ 60,000/- per annum which is beyond the pale of Section 163A. The cap on the annual income of ₹ 40,000/- has been provided under Section 163A and anything beyond that would make the related prayer not maintainable under the said Section 163A. The case of *New India Assurance Co. Ltd. v. Er. K. Jothilingam*, 2009 SCC Online Mad 750, para 9 was cited in this regard.

14. The learned counsel has assailed the decision made by the learned Tribunal as far as the quantum of award and compensation is concerned, submitting that the learned MACT while awarding the amount of ₹ 11,41,000/- along with interest as compensation, the calculation made was not proper and in line with the provision of Section 163A which provides that the amount of compensation payable in respect of a claim filed under Section 163A of the Act, under the Second Schedule, after the amendment of 22.05.2018, only an amount of ₹ 5,00,000/-, is payable in case of death.



15. In view of the above, the learned counsel has reiterated that the appellant/Insurance Company cannot be found liable to pay the compensation amount to the claimant and this appeal may be allowed with the impugned judgment and award being set aside and quashed.

16. Mr. N.I. Choudhury, learned counsel for the respondent No. 1/claimant has opposed the submission and contention raised by the learned counsel for the appellant, and has submitted that the impugned judgment contained no infirmity as to its findings and observations, wherein at para 45 and 46 of the same, the learned Member has observed that the cause of death of the deceased son of the claimant was due to shock and haemorrhage as a result of severe injury by sharp object, and further that the deceased at the time of his death was the handyman of the said vehicle driven by the driver deceased Lutfur Rahman. As such, the deceased son of the claimant died in course of the use of the vehicle.

17. The learned counsel has further submitted that this fact is confirmed by the evidence on record, particularly of CW-4, the I/O who has also produced the final report (Ext-5) and who has deposed before the Tribunal by stating that “...*On the basis of enquiry of the case that the miscreants have murdered the driver and the handyman may be with the intention of stealing the vehicle...*”. Therefore, ratio as laid down by the Hon’ble Supreme Court in the case of Rita Devi (supra) at para 10 and 14 and also the case of Shivaji



Dayanu Patil (supra) at para 36 are squarely applicable to the case of the claimant/respondent No. 1 herein.

18. The fact that the evidence of the CW-4 has not been able to be refuted or contradicted by the appellant/Opp. Party No. 1 before the Tribunal, the appellant cannot come before this Court and agitate the issue, the same is not sustainable in law, submits the learned counsel.

19. On the other aspect of the matter, as was challenged by the appellant, that is, that there is a cap of ₹ 40,000/- in the annual income, if the same is computed under Section 163A of the MV Act, and that the claimant/respondent No. 1 having proved in evidence that the annual income of the deceased son of the claimant was ₹ 60,000/- annually, the case of Er. K. Jothilingam (supra) being cited in support of this contention, the learned counsel has submitted that this proposition has been negated by the ratio of the case of **Sarla Verma (Smt) & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121**, where the Hon'ble Supreme Court at para 34 of the same has held as follows:

“34. The Motor Vehicle Act, 1988 was amended by Act 54 of 1994, inter alia, inserting Section 163A and the Second Schedule with effect from 14.11.1994. Section 163A of the MV Act contains a special provision as to payment of compensation on structured formula basis, as indicated in the Second Schedule to the Act. The Second Schedule contains a Table prescribing the compensation to be awarded with reference to the age and income of the deceased. It specifies the amount of compensation to be awarded with reference to the annual income range of Rs. 3000 to Rs. 40,000. It does not



specify the quantum of compensation in case the annual income of the deceased is more than Rs. 40,000. But it provides the multiplier to be applied with reference to the age of the deceased. The table starts with a multiplier of 15, goes upto 18, and then steadily comes down to 5. It also provides the standard deduction as one-third on account of personal living expenses of the deceased. Therefore, where the application is under Section 163A of the Act, it is possible to calculate the compensation on the structured formula basis, even where compensation is not specified with reference to the annual income of the deceased, or is more than Rs. 40,000, by applying the formula : $(2/3 \times AI \times M)$, that is two-thirds of the annual income multiplied by the multiplier applicable to the age of the deceased would be the compensation. Several principles of tortious liability are excluded when the claim is under Section 163A of MV Act.”

20. Again, the contention of the appellant that in any view of the matter, if this Court decides to grant relief to the claimant/respondent No. 1, then in view of the amendment of the MV Act, 1988 vide Notification dated 22.05.2018, wherein it has been stipulated that under Section 163A the Second Schedule, it has been stipulated that compensation in case of death in fatal accidents shall be ₹ 5,00,000/- , the learned counsel has submitted that this has no relevance to the case of the claimant/respondent No.1 as the case in question relates to an incident which happened in the year 2009 and the claim application was filed in the year 2012, much before the said amendment came into force.

21. In support of this contention as regard the prospective application of a provision of law brought out through an amendment, the learned counsel has cited the case of Aita Maya Gurung v. Ratna Kumar Pradhan and Others, in which the Hon’ble High Court of Sikkim vide order dated 17.04.2023 in MAC



App. No. 02 of 2022 has referred to this principle on prospective and retrospective effect of law enacted at para 11 of the same, which reads as follows:

“11. It may relevantly be stated here that in Assistant Excise Commissioner, Kottayam and Others vs. Esthappan Cherian and Another, (2021) 10 SCC 210, the Supreme Court was considering the amendment of Rule 13 of the Kerala Abkari Shops Departmental Management Rules, 1972. It was held therein that an amendment is prospective. The relevant Paragraph is extracted hereinbelow;

“16. There is profusion of judicial authority on the proposition that a rule or law cannot be construed as retrospective unless it expresses a clear or manifest intention, to the contrary. In CIT v. Vatika Township (P) Ltd. [CIT v. Vatika Township (P) Ltd., (2015) 1 SCC 1] this Court, speaking through a Constitution Bench, observed as follows : (SCC pp. 21-22, paras 28-29)

“28. Of the various rules guiding how a legislation has to be interpreted, one established rule is that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation. The idea behind the rule is that a current law should govern current activities. Law passed today cannot apply to the events of the past. If we do something today, we do it keeping in view the law of today and in force and not tomorrow's backward adjustment of it. Our belief in the nature of the law is founded on the bedrock that every human being is entitled to arrange his affairs by relying on the existing law and should not find that his plans have been retrospectively upset. This principle of law is known as *lex prospicit non respicit* : law looks forward not backward. As was observed in Phillips v. Eyre [Phillips v. Eyre, (1870) LR 6 QB 1], a retrospective legislation is contrary to the general principle that legislation by which the conduct of mankind is to be regulated when introduced for the first time to deal with future acts ought not to change the character of past transactions carried on upon the faith of the then existing law.



29. The obvious basis of the principle against retrospectivity is the principle of “fairness”, which must be the basis of every legal rule as was observed in *L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd.* [*L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd.*, (1994) 1 AC 486 : (1994) 2 WLR 39 (HL)] **Thus, legislations which modified accrued rights or which impose obligations or impose new duties or attach a new disability have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect; unless the legislation is for purpose of supplying an obvious omission in a former legislation or to explain a former legislation.** We need not note the cornucopia of case law available on the subject because aforesaid legal position clearly emerges from the various decisions and this legal position was conceded by the counsel for the parties. In any case, we shall refer to few judgments containing this dicta, a little later.” [emphasis supplied]

22. From what has been noted hereinabove, the case of the parties is that on the death of the son of the claimant/respondent No.1 who is said to have been murdered when the vehicle he was travelling with as a handyman was intercepted while in use, an application for grant of compensation under Section 163A of the Motor Vehicle Act, 1988 was made before the Member, MACT at Shillong.

23. The case was finally decided vide the impugned judgment and award dated 30.08.2024, directing the appellant/Insurance Company to deposit a sum of ₹ 11,41,000/- (Rupees eleven lakhs forty-one thousand) only with simple interest @ 9% per annum from filing of the claim petition, that is, 14.09.2012.



Being aggrieved with and dissatisfied with the said award, the appellant/Insurance Company has come before this Court with this appeal.

24. The main ground of challenge raised by the appellant is that the deceased son of the claimant/respondent No. 1 was not murdered in course of use of the vehicle, his death being unrelated to the use of the said vehicle, inspite of his being the handyman of such vehicle and as such, no claim for compensation can be made under the MV Act.

25. The claimant/respondent No. 1 has countered such objection and has maintained that the death of his deceased son was while the vehicle he was travelling in as a handyman was in use and accordingly, the award of compensation in this regard is justified.

26. This Court, at the outset has to determine as to whether the circumstances leading to the death of the deceased son of the claimant was indeed connected to the fact that it was when the vehicle was in use or that it was not so.

27. For this, besides the fact as has been narrated above, not required to be reiterated, the evidence on record have to be appreciated afresh to ascertain the correct factual and legal position.

28. What is relevant for consideration is whether the deceased son of the claimant was killed when the vehicle he was travelling in was in use. It is the



stand of the appellant that the death of the deceased son of the claimant is an occurrence which can only be seen as a case of murder simpliciter not connected to the use of the vehicle.

29. However, on perusal of the evidence on record, it is an admitted fact that the deceased son of the claimant was travelling in the said vehicle along with the driver when on the next day, that is, 01.01.2010 his dead body as well as that of the driver were found by the police, indicating that they were murdered. The clarity in this matter is found in the evidence of CW-4, Inspector Lumlanglin Lyngkhai, who in his deposition before the Tribunal has narrated that on 01.01.2010, an FIR was lodged by the owner of the vehicle in question informing the police that his vehicle No. ML 04 A 4397 was missing along with the driver Lutfur Rahman and his helper Kabir Uddin. Accordingly, Khliehriat P.S. Case No. 01 (01) of 2010 under Section 364/302/201/379/34 IPC was registered.

30. In course of investigation, the dead body of both the driver and the handyman was recovered from Leshka river and the vehicle was recovered from Mawryngkneng, apparently abandoned by the miscreants. Since during investigation, no evidence or clue could be found out to establish the case, the I/O has therefore filed the final report. According to him, the miscreants have murdered the driver and the handyman may be with the intention of stealing



the vehicle. The I/O has then filed the final report in this regard which has been produced as Ext-5 before the Tribunal.

31. This Court has further perused the contents of the final report (Ext-5) and has also noted the findings of the I/O, inter alia, *“however, on 1.1.10 the stolen vehicle has been recovered from Mawryngkneng N.H-44 on being left abandoned by the miscreants due to the defective of the head lights...”*. This piece of evidence has not been able to be contradicted by the appellant/Insurance Company in their cross-examination, the said Ext-5, including the contents thereof have thus become part of the records. Therefore, on this basis, it can be said that the death of the deceased son of the claimant has occurred while the vehicle he was travelling in is in use. The case of Rita Devi (supra) at para 10 and 14 relied upon by both the appellant/Insurance Company and the claimant/respondent No. 1, would indeed be relevant and applicable to such a situation as this. The relevant paras are reproduced herein below as:

“10. The question, therefore is, can a murder be an accident in any given case? There is no doubt that “murder”, as it is understood, in the common parlance is a felonious act where death is caused with intent and the perpetrators of that act normally have a motive against the victim for such killing. But there are also instances where murder can be by accident on a given set of facts. The difference between a “murder” which is not an accident and a “murder” which is an accident, depends on the proximity of the cause of such murder. In our opinion, if the dominant intention of the Act of felony is to kill any particular person then such killing is not an accidental murder but is a murder simplicitor, while if the cause of murder or act of



murder was originally not intended and the same was caused in furtherance of any other felonious act then such murder is an accidental murder.

14. Applying the principles laid down in the above cases to the facts of the case in hand, we find that the deceased, a driver of the auto rickshaw, was duty bound to have accepted the demand of fare paying passengers to transport them to the place of their destination. During the course of this duty, if the passengers had decided to commit an act of felony of stealing the auto rickshaw and in the course of achieving the said object of stealing the auto rickshaw, they had to eliminate the driver of the auto rickshaw then it cannot but be said that the death so caused to the driver of the auto rickshaw was an accidental murder. The stealing of the auto rickshaw was the object of the felony and the murder that was caused in the said process of stealing the auto rickshaw is only incidental to the act of stealing of the auto rickshaw. Therefore, it has to be said that on the facts and circumstances of this case the death of the deceased (Dasarath Singh) was caused accidentally in the process of committing theft of the auto rickshaw.”

32. In view of the above, the findings of the learned Member, MACT as regard issue No. (i) *whether the claim is maintainable in its present form?* and (iv) *whether death of the son of the claimant was due to the accident arising out of the use of motor vehicle?* in the positive cannot be faulted by this Court.

33. The next contention of the appellant is with regard to the maintainability of the claim petition under Section 163A of the Act read with the Second Schedule thereof where the cap for annual income is set at ₹ 40,000/- (Rupees forty thousand) only. The learned counsel for the appellant has also referred to the case of Er. K. Jothilingam (*supra*) at para 9 wherein the Hon’ble Madras High Court referring to the case of Oriental Insurance Co. Ltd v. Hansrajbhai Kodala and Ors, (2001) 5 SCC 175, has held that a claim



under Section 163A cannot be invoked since the claimant's income exceeds the ₹ 40,000/- limit. To counter this, the learned counsel for the claimant/respondent No. 1 has referred to the case of Sarla Verma (supra) wherein at para 34 of the same, the Apex Court while referring to the Second Schedule under the MV Act has held "*...The Second Schedule contains a table prescribing the compensation to be awarded with reference to the age and income of the deceased. It specifies the amount of compensation to be awarded with reference to the annual income range of Rs. 3000 to Rs. 40,000. It does not specify the quantum of compensation in case the annual income of the deceased is more than Rs. 40,000. "...where the compensation is not specified with reference to the income of the deceased, or is more than Rs. 40,000, by applying the formula: $(2/3 \times AI \times M)$, that is two-thirds of the annual income multiplied by the multiplier applicable to the age of the deceased would be the compensation.*"

34. In the context of this case, this Court is inclined to agree with the proposition laid down in the Sarla Verma case, however, in view of the statutory limit as has been set out in the Second Schedule of the said MV Act, the annual income of the deceased would be taken as ₹ 40,000/-.

35. Again, as to the contention of the learned counsel for the appellant that the amount awarded is in excess of the statutory limit, inasmuch as, the Second Schedule of the Act has been amended on 22.05.2018, wherein in fatal



accident cases, the compensation payable in case of death shall be ₹ 5,00,000/- (Rupees five lakhs) only. To this, the learned counsel for the claimant/respondent No. 1 has submitted that the effect of the said amended provision is prospective, while the incident referred to in the claim application is of the year 2009 and the claim application was filed in the year 2012, as such, in view of the well settled proposition of law that a rule or law cannot be construed to have retrospective effect unless it expresses a clear or manifest intention to the contrary, therefore, the contention of the appellant cannot be accepted. The argument advanced by the learned counsel for the claimant/respondent No. 1 is found agreeable by this Court and as such, the effect of the said amendment to the Second Schedule will not have any hold as far as the case of the claimant/respondent No. 1 is concerned.

36. Accordingly, in view of the above findings and observation, this Court would modify the impugned judgment and award by assessing the award of compensation to the Claimant as follows:

Annual income of the deceased	₹ 40,000/-
Add 40% of ₹ 40,000/- as future prospects	₹ 16,000/- = ₹ 56,000/-
Less ¼ of the annual income deducted as expenses, the deceased	₹ 14,000/-



would have incurred towards his welfare during his lifetime	
Net annual income	₹ 56,000 - ₹ 14,000 = ₹ 42,000/-
Multiplied by 16 x 42,000/- multiplier determined as per the table of the Second Schedule, the age of the deceased being 19 at the time of his death.	₹ 6,72,000/-
Add funeral expenses	₹ 15,000/-
Add Loss of estate	₹ 15,000/-
Total	₹ 7,02,000/-

37. Accordingly, this Court finds that the claimant is entitled to fair compensation, calculated as above i.e. ₹ 7,02,000/- (Rupees seven lakhs two thousand) along with 7% simple interest per annum from the date of filing of the claim petition till realisation of the same. The rate of interest being taken as the comparable rate of interest, presently applicable.

38. Since there is no contest or objection as regard the liability of the appellant/United India Insurance Co. Ltd. Shillong as far as the vehicle in



question is concerned, therefore, the appellant is liable to satisfy the award of compensation indicated hereinabove.

39. This appeal is disposed of in the light of the above findings and observations, the impugned judgment and award being modified accordingly, the appellant/United India Insurance Co. Ltd. Shillong is directed to pay to the claimant the sum of ₹ 7,02,000/- (Rupees seven lakhs two thousand) along with 7% simple interest per annum from the date of filing of the claim petition till realisation of the same within 2(two) months from the date of this judgment and order.

40. Send back the record to the MACT, Shillong.

Judge