

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

MA No. 88/2013

Oriental Insurance Co. Ltd

.....Appellant(s)

Through: Mr. Dinesh Singh Chauhan, Advocate with
Ms. Damni Singh Chauhan, Advocate

Vs

Manjeet Singh & Ors

..... Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER (ORAL)
15.07.2025

1. Through the medium of the instant appeal filed in terms of the provisions of Section 173 of the Motors Vehicles Act, 1988 (hereinafter referred to as '*the Act*' *for short*), the appellant-Oriental Insurance Company has assailed the common Award dated 13.09.2012 passed by the Motor Accidents Claims Tribunal (hereinafter referred to as '*MACT*' *for short*), Jammu while disposing of the two MACT petitions bearing File Nos. 632/Claim and 633/Claim, both instituted on 07.11.2007 to the extent of the Claim Petition bearing file No. 632/Claim on the main grounds that the learned MACT has not assessed and computed the compensation amount due to the respondent No.1/Claim petitioner in accordance with the provisions of the Act and the law laid down by the Hon'ble Apex Court and various High Courts of the Country including this Court on the subject. That the learned MACT has awarded the compensation on grossly higher side by considering the impact of the 22% disability of the lower right limb of the

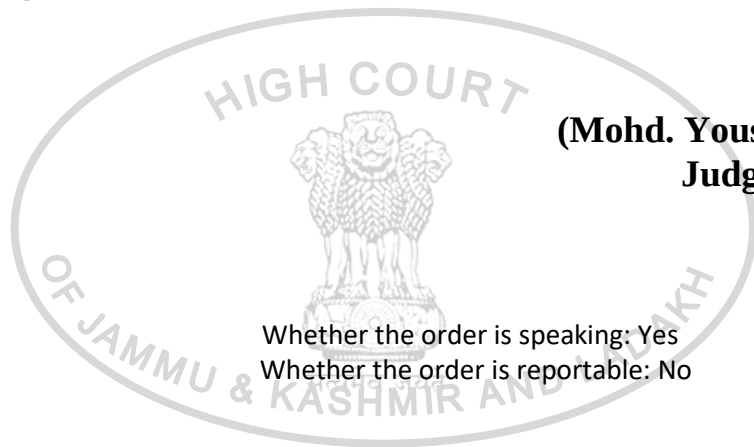
petitioner on his overall working. That besides, the other non-pecuniary damages have been also worked out on higher side without any evidence.

2. I have heard the learned counsel for the appellant who very vehemently contended that the Award impugned in the appeal deserves to be set aside as being highly excessive for being the outcome of wrong assessment. He contended that as per the disability certificate, the respondent No.1/claim petitioner was reported to have suffered a disability in the right lower limb to the extent of only 22% which was under no circumstances going to affect the overall working of the respondent No.1. That the learned MACT has wrongly considered the impact of the said percentage of the localized disability on the overall working of the respondent No.1. He further contended that the learned MACT has taken the monthly income of the respondent No.1 as ₹5,000/- without any proof to that effect.
3. Learned counsel in support of his contentions placed reliance on the authoritative judgments titled "*Raj Kumar vs Ajay Kumar and Another*", reported in ACJ 2011 (Vol.1), "*Arvind Kumar Mishra vs New India Assurance Co. Ltd*", reported in 2010 ACJ 2867(SC), and "*Yadava Kumar Vs D M National Insurance Co. Ltd*", reported in 2010 ACJ 2713 (SC).
4. I have perused the memo of appeal and the copy of the impugned Award enclosed with the same.
5. Keeping in view the aforementioned perusal and consideration, this Court is of the considered opinion that the impugned common Award dated 13.09.2012 to the extent the same has been passed in respect of File No. 632/Claim does not suffer from any illegality. Learned MACT appears to have taken the monthly income of the respondent No.1/claim petitioner and

assessed the due compensation in accordance with the law. The Award does not seem to be unjustified on any count pecuniary or non-pecuniary heads.

6. For the foregoing discussion, the appeal seems to be devoid of any merit and is, accordingly, ***dismissed***.
7. It is submitted by the learned counsel for the appellant that the entire Award amount along with interest stands already deposited with the Registry of this Court as per the order dated 08.03.2013 passed on this appeal. The Award amount or any portion thereof if still deposited with the Registry, is ordered to be released in favour of the respondent No.1/claim petitioner under rules and against the proper receipt.
8. ***Disposed of.***

Jammu
15.07.2025
Vijay



(Mohd. Yousuf Wani)
Judge

Whether the order is speaking: Yes
Whether the order is reportable: No