

(2010) 04 AHC CK 0101
In the Allahabad High Court

The Oriental Insurance Co. Ltd.

APPELLANT

Vs

Smt. Uma Devi and Another

RESPONDENT

Date of Decision : 21-04-2010

Acts Referred:

Motor Vehicles Act, 1988 — Section 168, 173

Citation : (2010) 04 AHC CK 0101

Hon'ble Judges : S.C. Chaurasia, J;Devi Prasad Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. List has been revised. None appeared for the respondents. Heard learned Counsel for the appellant.
2. The present appeal has been preferred u/s 173 of the Motor Vehicle Act, 1988 against the impugned award dated 2.5.2001 passed by the Motor Accident Claims Tribunal in M.A.C. Case No. 273 of 1998.
3. In brief, on 20.7.1998 at about 3.00 pm deceased Satish Chandra when arrived to Lucknow Barabanki road, Truck No. URD 8345 driven rashly and negligently hit Shri Satish Chandra on left side of the road. In consequence thereof, he succumbed to injuries. An FIR was lodged and claimant approached the Tribunal for payment of compensation. The Tribunal framed five issues. Issue No. 1 relates to accident with Truck No. URD 8345. Issue No. 2 relates to policy and third relates to driving licence. The Tribunal on the basis of evidence led by the parties held that the truck was insured with the appellant and driver was having valid driving licence.
4. While assailing the impugned order, it has been submitted by the appellant's counsel that the Tribunal had awarded compensation in an unjust and unfair manner and also the compensation awarded by the tribunal is excessive.
5. A perusal of impugned award shows that the Tribunal had awarded

compensation on the basis of notional income. At the time of death the deceased was aged about 50 years. Accordingly, keeping in view the age of deceased multiplier of 15 was applied and awarded compensation to the tune of Rs. 1,52,000/- along with interest @ 9%.

6. No substantial illegality or perversity has been shown by the appellant's counsel. The compensation awarded by the Tribunal seems to be just and proper keeping in view the spirit of Section 168 of the Motor Vehicle Act. The interest @ 9% is also not excessive. The appeal is devoid of merit, accordingly dismissed.