(2024) 04 UK CK 0007

In the Uttarakhand High Court

Case No : Appeal From Order No. 341 Of 2013

Uttarakhand Transport Corporation — APPELLANT

Vs

Nirmala Aswal And Others — RESPONDENT

Date of Decision : 03-04-2024

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2024) 04 UK CK 0007

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Rajeev Singh Bisht, B.S. Negi

Judgement

Alok Kumar Verma, J

1. The present Appeal under Section 173 of the Motor Vehicles Act, 1988, has been filed by the owner of the offending vehicle challenging the judgment dated 18.05.2013, passed by learned Motor Accident Claims Tribunal, Uttarkashi in Motor Accident Claim Petition No.21 of 2012, "Smt. Nirmala Aswal and Others Vs. General Manager, Uttarakhand Transport Corporation and Another", by which, learned Tribunal has awarded a total sum of Rs.28,66,048/- (Rupees Twenty Eight Lakh Sixty Six Thousand Forty Eight) as compensation along with an interest @ 7% per annum.

2. Heard Mr. Rajeev Singh Bisht, learned counsel for the appellant and Mr. B.S. Negi, learned counsel for the respondents-claimants.

3. Mr. Rajeev Singh Bisht, Advocate, contended that income tax has not been deducted by the Tribunal. After deducting income tax from the income of the deceased, excluding interest, the claimants are entitled to claim compensation only amounting to Rs.27,97,900/-(Rupees Twenty Seven Lakh Ninety Seven Thousand Nine Hundred).

4. Mr. B.S. Negi, Advocate, agrees with Mr. Rajeev Singh Bisht, Advocate.

5. Mr. Rajeev Singh Bisht, Advocate, submitted that a sum of Rs.10,00,000/- (Rupees Ten Lakh) has already been deposited before the Tribunal and remaining amount including interest (interest as awarded by the Tribunal) shall be deposited within four weeks from today.

6. With the consent of both the parties, the present appeal is decided by modifying the impugned judgment dated 18.05.2013 accordingly.

