



2026:AHC:177531

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 1435 of 2002

The New India Assurance Co. Ltd. Alld.

.....Appellant(s)

Versus

Smt. Kiran and others

.....Respondent(s)

Along with :

1. First Appeal From Order No. 1811 of 2017:

Smt. Kiran and others

Versus

The New India Assurance Co. Ltd. and another

Counsel for Appellant(s)	: A.I. Jaiswal, Aditya Singh Parihar, Avanish Mishra, Neerja Singh, Sharve Singh
Counsel for Respondent(s)	: Sharve Singh, A.I.jaiswal, Aditya Singh Parihar, Amit Srivastava, Anita Srivastava, K.k.roy, Neerja Singh

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Sri Aditya Singh Parihar, learned counsel for the appellant, and Sri Sharve Singh, learned counsel for the respondents, are present.

2. Service upon respondent no. 4 is deemed sufficient.

3. The instant appeals have been filed by the appellants against the order dated 30.4.2002 passed in M.A.C.P. No. 151 of 1998. F.A.F.O. No. 1435 of 2002 has been filed by the Insurance Company, whereas F.A.F.O. No. 1811 of 2017 has been filed for enhancement of compensation. As common questions of law and fact are involved in both the appeals, the same are being decided together for the sake of convenience.

Facts of F.A.F.O. No. 1435 of 2002

4. Briefly stated, deceased Kanta Prasad, who at the relevant time was serving in the Army as a Naik, died in a vehicular accident on 16.12.1997 at about 9:20 p.m. when he was hit by a truck bearing No. URO 0849. The deceased was drawing a salary of Rs. 3,978/- per month and was aged above 35 years. The tribunal allowed the claim petition and awarded compensation

of Rs. 10,25,368/-.

5. Learned counsel for the appellant submitted that although the income of the deceased at the relevant point of time was Rs. 3,978/-, the same was enhanced two-fold for determining the amount of compensation to be awarded in favour of the claimants. He submitted that the impugned judgment records that the monthly salary of the deceased was Rs. 3,978/-. However, it enhanced the same two-fold and assessed it at Rs. 7,956/-. On the basis of this two-fold salary of the deceased, compensation of Rs. 10,25,368/- was awarded. It was contended that the assessment of the income of the deceased by enhancing his salary two-fold is per se illegal and unsustainable. He submitted that the award passed by the learned tribunal should be modified and the compensation should be assessed as per the standard norms provided in the Second Schedule to Section 163-A of the Motor Vehicles Act. The alleged incident occurred in the year 1997. Therefore, even assuming that the said two-fold enhancement was made with a view to adding future prospects to the income of the deceased, the same is not sustainable. The law prevailing at the relevant time did not prescribe any addition towards future prospects. Therefore, the award passed by the learned tribunal requires reassessment and modification.

6. Per contra, learned counsel for the respondent submitted that the tribunal had not committed any illegality in assessing the income of the deceased. The concept of future prospects was recognised by the Hon'ble Supreme Court in the judgment of **General Manager, Kerala S.R.T.C. v. Susamma Thomas, 1994 AIR 1631**.

7. Heard learned counsel for the parties and perused the impugned judgment.

8. The contention raised by the appellant, to the extent that the two-fold enhancement of the monthly salary of the deceased was improper, has substance. Even if there could have been any addition towards future prospects, the same would not have exceeded a particular percentage of the monthly salary. However, considering the fact that the accident had occurred in the year 1997 and the judgment was passed in the year 2002, this Court is of the view that any interference in the award only on the basis of the assessment of the salary of the deceased, particularly when his income as a Naik in the Army was substantially proved, is not proper. Accordingly, this Court does not find it proper either to reassess or modify the award. Therefore, this appeal is liable to be dismissed.

Facts of F.A.F.O. No. 1811 of 2017

9. Learned counsel for the appellant submitted that the tribunal has erred in not awarding compensation by adding income towards future prospects. The tribunal has granted inadequate compensation under the non-pecuniary heads. The addition of future prospects to the income of the deceased, as well as adequate compensation under the non-pecuniary heads, as per the guidelines of the Hon'ble Supreme Court in **National Insurance Co. Ltd. v. Pranay Sethi and Others, 2017 LawSuit (SC) 1093**, are required to be added towards the compensation.

10. Heard learned counsel for the parties. In the opinion of this Court, the compensation awarded to the claimants is adequate. The tribunal, while awarding the compensation, itself adopted a very liberal approach by enhancing the monthly salary of the deceased two-fold. Therefore, the said enhancement of the salary up to two-fold itself reflects that such enhancement was, in fact, more than what could have been added as future prospects towards the income. Since the compensation awarded by the tribunal is adequate and the tribunal had adopted a liberal approach towards the claimant, this Court again does not find any ground either to interfere in the award or to modify the same by adding compensation under the heads as prayed for by the appellant.

11. Accordingly, the impugned order is upheld and both the appeals are dismissed.

August 21, 2026
Ujjawal

(Anil Kumar-X,J.)