

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

1208 CIVIL APPLICATION NO. 950 OF 2015
WITH FA/482/2013

SHAIKH SATTAR SK. GULAB AN ANOTHER
VERSUS
NEW INDIA ASSURANCE COMPAN LTD. AURANGABAD

.....
Mr R. D. Sanap, Advocate for the applicants
Mr S. G. Chapalgaonkar, Advocate for respondent No. 1
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **11TH SEPTEMBER, 2015.**

PER COURT:

. The Insurance Company has filed appeal against the award passed by the Tribunal, allowing application u/s 166 of the Motor Vehicles Act.

2. Mr Chapalgaonkar, learned Counsel for the respondent No. 1, states that the appeal is restricted to the extent of quantum only. He states that the deceased was a bachelor. Being a bachelor, half amount is required to be deducted. The income of the deceased was considered as Rs. 18,000/- per month. According to him, the deduction is made half but the deduction made towards the personal expenses is 1/3rd. The Ld. Counsel submits that, considering the said aspect, the amount of compensation under award is exorbitant.

3. Mr Sanap, the learned Counsel for the applicants, supports the order.

4. I have considered the judgment. Appeal is restricted to the extent of quantum. No doubt, the deceased was being a bachelor, half amount is required to be deducted towards the personal expenses but, considering the amount awarded on account of non-pecuniary damages on a lower side, I am not inclined to entertain the present appeal. On account of loss of love and affection, only Rs. 10,000/- has been awarded. As per the judgment of the Hon'ble Apex Court in the case of **Asha Verman Vs. Maharaj Singh** reported in (2015) 42 SCD 537, the parents are required to be awarded Rs. 50,000/- each towards loss of love and affection so also towards funeral charges Rs. 25,000/- is required to be awarded.

5. Considering the above, First Appeal is dismissed with no order as to costs.

6. In view of disposal of main appeal, nothing survives for consideration in the connected civil application for withdrawal of the amount and same stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp