

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.1592 OF 2014

Ladkabai wd/o. Prakash Devkar
and others

..Appellants

Versus

M/s. Palani Arumugam Pilai
and anr.

..Respondents

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Mr.A.M.Gholap, advocate for appellants

Mr.K.D.Pande, advocate for respondent no.2

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CORAM : M.T. JOSHI, J.

DATE : FEBRUARY 24, 2015

ORAL JUDGMENT :

Heard both sides.

2] The present appeal, preferred by the original claimants against the award passed by learned Member of Motor Accident Claims Tribunal in M.A.C.P. under Section 166 of the Motor Vehicles Act, is limited to the quantum of compensation awarded by learned Judge.

3] Paragraphs 23, 24 and 25 of the impugned judgment would show that learned Member has deducted the entire deduction shown in the salary slip Exhibit 30, from the gross salary of the deceased and further did not consider that there would have been increase in the salary in future, as the deceased was working as a Peon in Jalgaon District Central Co-operative Bank.

4] There is no dispute that the multiplier of 15 would be applied as the deceased was 42 years old. In that view of the matter, on the basis of Exhibit 30 i.e. salary slip, following would be the just compensation :-

Net salary after permissible deduction	:	6149
(-) 1/4 th deduction towards personal expenses as the deceased left four dependents	:	1537

		4612
Thus, annual income would be (12 x 4612)	:	Rs.55344

Upon applying multiplier of 15, the loss of dependency would come to Rs.8,30,160/-. Considering the increase of 30% towards prospective increase in salary, the total loss would be Rs.2,49,048/- + Rs.8,30,160/- = 10,79,208/-. Thereafter, there would be addition of Rs.20,000/- on account of non-pecuniary damages and funeral expenses and accordingly, the amount would come to Rs.10,99,208/- and in round-figure, it would be Rs.11 Lakhs.

5] In the result, the following order :-

i] The First Appeal is hereby partly allowed with proportionate costs.

ii] Respondent nos.1 and 2 are directed to pay, jointly and severally, to the appellants, an amount of Rs.11 Lakhs (including the amount

awarded by the tribunal) with interest at the rate of 7.5% p.a. from the date of filing of the petition in the Tribunal i.e. from 5th September, 2005 till realisation of the full amount.

[M.T. JOSHI, J.]

kbp