

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

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978 FIRST APPEAL NO. 1231 OF 2015 WITH CIVIL
APPLICATION NO. 11022 OF 2015
IN FA/1231/2015 WITH CA/5199/2015 IN FA/1231/2015

THE NEW INDIA ASSURANCE CO. LTD. AND OTHERS

VERSUS

GEETARAM RAMCHANDRA BHOMBAR AND ANOTHER

...

Advocate for Appellants : Mr. M. M. Ambhore
Advocate for Respondents 1 and 2: Mr. Golewar V.P.
Advocate for Respondents 3 and 4 : Mrs. Geeta Deshpande

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CORAM : S. V. GANGAPURWALA, J.

DATE : 9th October, 2015

PER COURT :

1. Mr. Ambhore, the learned counsel for the appellant submits that the appeal is basically filed for quantum. According to the learned counsel, the deceased was bachelor. As such deduction towards personal expenses should have been half. However, the court has deducted only 1/3 towards personal expenses and even Rs.1 lakh is awarded on account of loss of consortium. According to the learned counsel, the claimants are parents. As such, no amount could have been awarded towards loss of consortium. The tribunal has awarded the amount under the said head.

2. Mr. Golewar, the learned counsel for the claimants submits that in fact the tribunal has not awarded any amount under the head loss of love and affection. The learned counsel submits that nothing has been considered towards loss of future prospect. Income of Rs.6000 per month is proved.

3. I have also heard Mrs. Deshpande learned counsel for respondents 3 and 4.

4. The present appeal is limited to quantum. Deceased being bachelor, the amount towards personal deduction should be half. The court has deducted 1/3. Of course, no amount could have been awarded towards loss of consortium. But, the claimant, being parents, as per the judgment of the Apex Court in **Asha Verman Vs. Maharaj Singh reported in (2015) 42 SCD 537**, the amount to the parents can be awarded towards loss of love and affection to the extent of Rs.50,000/- each.

5. Deceased was earning person. That has been accepted by both the parties. In light of that the amount towards loss of future prospect could have been awarded. However, the tribunal has not awarded any amount towards the loss of future prospect. Considering

the said aspect of the matter, even if 1/3 amount is deducted towards the personal expenses, the same can be can be adjusted as no amount is awarded towards loss of future prospect.

6. In the light of above, no case is made out. The first appeal is dismissed. No costs.

7. The amount already deposited is allowed to be withdrawn in the proportion as awarded by the tribunal.

8. Civil applications also stand disposed of.

(S. V. GANGAPURWALA, J.)

JPC