

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

906 FIRST APPEAL NO. 2341 OF 2015

THE NEW INDIA ASSURANCE CO.LTD. AURANGABAD

VERSUS

CHHAYA RAMDAS BHAND AND OTHERS

...

Advocate for Appellant : Mr. Kadethankar Ajit B.
Advocate for Respondents 1 to 6 : Mr. N. C. Garud
Advocate for Respondent No.7 : Mr. Sachin J. Patil

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CORAM : S. V. GANGAPURWALA, J.

DATE : 22nd September, 2015

PER COURT :

1. The present respondents/claimants had filed application under section 166 of the Motor Vehicles Act, seeking compensation on account of death of Ramdas in an accident. The same is allowed. Aggrieved thereby, the insurance company has filed the present appeal.

2. Mr. Kadethankar, the learned counsel for the appellant/insurance company strenuously contends that the present appeal is filed assailing the quantum of compensation awarded. According to the learned counsel, the deceased was 42 years age and for a person aged 42 years, multiplier is 14 as per the judgment of the

Apex Court in the case of **Sarla Verma Vs. Delhi Transport Corporation**, [(2009) 6 SCC 121]. The learned counsel further submits that the Court has made addition of 30% towards future prospect. There was no future income of the deceased. As such, 30% addition towards future prospect could not have been awarded.

3. Mr. Garud, the learned counsel for the respondents/claimants submits that towards non pecuniary damages, paltry sum is awarded. Multiplier is rightly applied. Even future prospect has been rightly considered.

4. I have considered the submissions.

5. As far as addition of 30% future prospect is concerned, even in case of self employed person, the Apex Court has said that future prospect can be added. The deceased was a working person, aged 42 years age. His income has been considered above the notional income, which is also proved before the Court. In the light of that, no illegality has been committed in adding the future prospect.

6. As far as the multiplier is concerned, as per judgment in the case of **Sarla Verma**, referred supra, the multiplier applicable would be 14. The Court has applied multiplier 15. The same is required to be reduced to 14. However, I have perused the amount awarded under the non pecuniary damages, which is paltry sum. Towards loss of love and affection, only Rs.10,000/- is awarded. As per judgment of the Apex Court in the case of **Asha Verman Vs. Maharaj Singh reported in (2015) 42 SCD 537**, an amount of Rs.1 lakh to each claimant towards loss of love and affection is awarded.

7. Hence, considering the above, I am not inclined to interfere with the order passed by the tribunal. The Appeal, as such, is dismissed. No costs.

8. The amount deposited in this Court be transmitted to the Tribunal.

(**S. V. GANGAPURWALA, J.**)

JPC