

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

FIRST APPEAL NO.3240/2015

- 1] Balu @ Balasaheb S/o Tulshiram Shangate
Age 30 years, Occ-Agri
- 2] Amar S/o Balu @ Balasaheb Shangate
Age 03 years, Occ-Minor U/g of Applicant
No.1, Both R/o Madalmohi, Tq. Gevrai
Dist.Beed. ..APPELLANT
[ORIG CLAIMANT]

VERSUS

- 1] Uttam S/o Shivaji Sable
Age Major, Occ-Tempo Owner
R/o Boudh Nagar, Latur
Tq & Dist.Latur.
- 2] Shriram General Insurance Co.Ltd
Through its Branch Manager
Office No.7 & 8 First Floor
000-SFS School, Akashwani
Jalna Road, Aurangabad. .. RESPONDENTS
[ORIG.RESPONDENT]

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Shri S.S.Chapalgaonkar, Advocate for appellant

Shri V.N.Upadhye, Advocate for respondent no.2.

...

CORAM : T.V.NALAWADE

DATED : 26TH FEBRUARY,2016

JUDGMENT :-

The appeal is admitted. Notice after admission made returnable forthwith by consent. Heard both sides for final disposal.

2] The appeal is filed by original claimants of Claim Petition No.92/2011 which was pending before Claims Tribunal, Beed. The claimants are not satisfied with the quantum of compensation and so they have challenged the decision.

3] Deceased Ranjana was wife of claimant no.1 and mother of claimant no.2. The age of the deceased was 28 years as per the case of claimants. The age of claimant no.1 was 30 years and age of claimant no.2 was 3 years at the relevant time. It is the case of the claimants that deceased was working in field and she was making income of Rs.4500/- p.m. Under the head of loss of dependency and other heads, compensation was claimed. The tribunal has awarded compensation of Rs.4,41,500/- on fault liability.

4] The tribunal has presumed notional income as Rs.3000/- p.m. and the compensation is calculated. The amount like Rs.5000/- is

given under the head of loss of consortium and the total amount of Rs.4500/- is given under heads like amount spent on funeral expenses and loss of estate. Learned counsel for claimants submitted that considering the age of the claimants, more amount ought to have been given under heads like compensation for loss of consortium, and towards loss of love and affection. He submitted that more amount ought to have been given under the head of funeral expenses also in view of the compensation recently awarded by Supreme Court in the case of **Smt.Sarla Verma and others V/s Delhi Transport Corporation & Anr. Reported in 2009 (12) LJSOFT 458.**

5] The tribunal has rightly presumed that the monthly income of deceased was Rs.3000/-. $\frac{1}{3}$ rd amount is deducted for personal expenses and it is presumed that there is monthly loss of Rs.2000/- and annual loss of Rs.24,000/- to the claimants. Multiplier of 18 is applied, when it is case of the claimants that deceased was aged about 28 years. Multiplier of 17 could have been applied in view of the law laid down in Sarla Verma's case cited supra. Thus, under the head of loss of dependency, the amount of Rs.4,08,000/- could have been given. This Court holds that the amount of Rs.15,000/- needs to be given under head of loss of consortium and loss of love and affection. Similarly, amount of Rs.25,000/- can be given under the

heads like amount spent on funeral and compensation under the head of loss of estate. Thus, the amount of Rs.4,83,000/- can be said to be just compensation. The tribunal has given interest at the rate of 6% p.a. when on fixed deposits, national banks are giving rate of 9% p.a. In the result, following order is made :

6] Appeal is allowed. Judgement and order of Tribunal is modified to make total amount of compensation as Rs.4,83,000/-. This amount is inclusive of the amount which must have been paid on the principle of no fault. The claimants are entitled to get interest at the rate of 9% p.a. and the interest will be payable on the entire amount from the date of Petition till the date of realisation of the amount.

(T.V.NALAWADE,J.)

umg/