

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

**First Appeal No.2576 of 2013
With
Civil Application No.254 of 2015
And
Civil Application No.13118 of 2013**

- 1) Archana Nandu Bhalerao,
Age 31 years,
Occupation : Household.
- 2) Master Dhanu Nandu Bhalerao,
Age 15 years, Occ: Student,
Minor, represented through
appellant No.1
Both R/o Akole, Taluka Akole,
District Ahmednagar. .. **Appellants.**

Versus

- 1) Vitthal Fakkad Bhalerao,
Age 47 years, Occ: Self employed.
- 2) Laxmi Vithal Bhalerao,
Age 42 years, Occ: Household.

Both R/o Sainath Nagar,
Behind Borawake Petrol Pump,
At Post Kopargaon,
District Ahmednagar.
- 3) Dnyaneshwar Vishwanath Gande,
Age Major, Occupation Business,
R/o Sahakar Bank Colony,
Yeola Road, Kopargaon,
District Ahmednagar.
- 4) The United India Insurance Co.
Ltd., Through its Branch Manager,
Shrirampur, District Ahmednagar. .. **Respondents.**

Shri. Vinod Y. Bhide, Advocate, for the appellants.

Shri. A.T. Kanawade, Advocate, for the respondent Nos.1 and 2.

Shri. S.V. Kulkarni, Advocate, for respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 7th JANUARY 2016

JUDGMENT:

1) The appeal is admitted. Notice after admission is waived by other side. Heard both sides for final disposal.

2) Small point is involved in the matter. Learned counsel for the appellants placed reliance on a case reported as **(2013) 9 SCC 65 (Reshma Kumari v. Madan Mohan)**. He submits that in view of ratio laid down in the case of Sarla Verma, **(2009) 6 SCC 121** the multiplier given in the case of Sarla Verma ought to have been used. The tribunal decided the case in the year 2013.

3) If the age of the deceased is considered which was 25 years, as per the ratio laid down, 18 can be used

as the multiplier for calculation of the loss of dependency. As per the table given in section 163-A of the Motor Vehicles Act amount of Rs.10,000/-- can be given under the head of loss of consortium. Amount of Rs.5000/- can be given under the head of loss of estate and amount of Rs.5000/- can be given under head of funeral expenses. Thus total amount comes to Rs.4,39,500/-. To that extent the judgment and award can be modified.

4) Learned counsel for the appellants and the learned counsel for the original claimants submitted that the dependents have arrived at compromise and they have filed compromise terms on the record in Civil Application No.254 of 2015. It was submitted that disbursement needs to be made as per the compromise. They have agreed that 40% amount is to be given to the minor and remaining amount is to be equally disbursed amongst the parents and the widow of the deceased. The amount of the minor is to be kept in fixed deposit in nationalized bank till he attains majority. The amount awarded to the widow and the parents is to be given to them.

5) So the appeal is allowed in aforesaid terms and award is to be prepared accordingly. All civil applications are disposed of.

Sd/-
(T.V. NALAWADE, J.)

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