IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (STAMP) NO.28662 OF 2014
WITH
CIVIL APPLICATION NO.4141 OF 2014

Reliance General Insurance Co. Ltd.,
Goregaon, Mumbai .... Appellant-Applicant
V/s.
Sangeeta Shashikant Raje and Ors. .... Respondents

ALONG WITH

CIVIL APPLICATION (STAMP) NO.11470 OF 2017
IN
FIRST APPEAL (STAMP) NO.28662 OF 2014

Sangeeta Shashikant Raje and Anr. .... Applicants
In the matter between
Reliance General Insurance Co. Ltd.,
Goregaon, Mumbai .... Appellant
V/s.
Sangeeta Shashikant Raje and Ors. .... Respondents

Mr. Nikhil Mehta, I/by M/s. KMC Legal Venture, for the Appellant-Insurance Company.

Mr. Vaibhav R. Gaikwad for Respondent Nos.1 and 2.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Mehta, learned counsel for the Appellant-Insurance Company, and Mr. Gaikwad, learned counsel for Respondent Nos.1 and 2.

2. This First Appeal takes an exception to the 'Judgment and Order' dated 28th July 2013, passed by the Motor Accident Claims Tribunal, Satara in M.A.C.P. No.335 of 2009, thereby granting compensation of Rs.6,49,000/- to Respondent Nos.1 and 2 towards loss of deceased Shashikant, who was the husband of Applicant No.1 and father of Applicant No.2.

3. Two fold contentions were raised in the Tribunal by the Appellant-Insurance Company to challenge the said case. The first ground was that the Deceased was not having valid Driving License. However, in this respect, absolutely no evidence is produced on record by the Appellant-Insurance Company and in view thereof, the Tribunal was justified in holding that, the Appellant-Insurance Company has failed to prove this contention.

4. The second contention raised was on the ground that, the Trial Court has held the income of the Deceased to be Rs.6,000/- per month, which is contended to be on the higher side. However, considering the notional income, which is enhanced from Rs.8,000/- to Rs.10,000/- per month, no fault can be found with the amount of compensation awarded by the Trial Court. The notional income of the Deceased, as held by the Trial Court, can hardly be called as excessive or exorbitant, so as to interfere in the impugned order passed by the Trial Court.

5. The Appeal, therefore, holds no merits; hence, stands dismissed.

6. The amount of Rs.25,000/- deposited by the Appellant-Insurance Company in this Court, as a statutory amount while filing the Appeal, be transferred to the concerned Tribunal.

7. In view of the above, all the Civil Applications pending in this Appeal do not survive and the same stand disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]