

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST.) NO. 16455 OF 2016
WITH
CIVIL APPLICATION NO. 4155 OF 2016
WITH
CIVIL APPLICATION NO. 4156 OF 2016**

IFFCO Tokio GIC Ltd. ... Appellant
V/s.
Smt.Sarojben Dilip Vidhawana & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 1653 OF 2018
IN
FIRST APPEAL (ST.) NO. 16455 OF 2016**

Smt.Sarojben Dilip Vidhawana & Ors. ... Applicant
V/s.
IFFCO Tokio GIC Ltd. ... Respondent

- Ms.Varsha Chavan for the Appellant.
- Mr.S.S. Vidyarthi a/w. Ms.Ruchika Dave for the Respondents and for the Applicant in CAF/1653/2018.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 10th OCTOBER, 2018.

P.C. :

1] This Appeal is preferred on the point of quantum of compensation mainly in respect of the amount awarded towards future prospect and the conventional heads. The trial Court has

awarded the said amount relying on the judgment of the Hon'ble Apex Court in the case of Rajesh and Others Vs. Rajbir Singh and Others, 2013 ACJ 1403. Now in view of the recent judgment of the Hon'ble Apex Court in the case of National Insurance Co. Ltd. Vs. Pranay Sethi and Others, 2017 ACJ 2700, learned counsel for the Appellant and learned counsel for the Respondents fairly concedes that the amount of Rs.14,91,800/- is required to be reduced to the amount of Rs.12,40,000/-. The impugned judgment and award is accordingly modified to that extent only.

2] Accordingly, the Appeal is disposed of in above terms. Whatever the amount which is in excess of the amount or balance amount will be returned to the Appellant with proportionate interest thereon.

3] The amount of Rs.25,000/- which is deposited towards the statutory deposit be adjusted either in the payment of amount of compensation to the Respondents-Claimants or to the amount which is to be refunded to the Appellant.

4] In view of disposal of the Appeal, nothing survives in the Civil Application(s), hence stand disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]