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

FIRST APPEAL NO.311 OF 2005

Vijaykumar Fatechand Zaveri
and anr

... Appellant.

V/s.

Anurdhvi Malubhai Gohil and anr

... Respondents

Mr. Avinash Gokhale a/w Ms. Meenal J. Jain, for the
appellant.

Ms. Varsha Chavan, for respondent No.2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the applicant and respondent.

2] By this appeal the appellant is seeking enhancement of the amount of compensation being dissatisfied with the award passed by the M.A.C.T Palghar dated 28.07.2004 in M.A.C.P. No.618 of 2001. The claim pertains to death of 20 year old unmarried daughter of the appellant.

3] As per case of the appellant, deceased was taking tuition of the school students and earning income of Rs.2,000/- per month. However, in the absence of any positive evidence produced on record by the appellant showing that deceased was taking such tuition and sans any proof about her exact income from the said tuitions; the

Tribunal has considered loss of dependency as Rs.10,000/- per annum. In my considered opinion having regard to the fact that the claim is of the year 1994 and it was decided in the year 2004, no fault can be found when the Tribunal has considered the loss of dependency to the tune of Rs.10,000/- per annum .

4] The second ground on which the award is challenged is that appropriate multiplier, having regard to the judgment of **National Insurance Co.Ltd -vs- Pranay Sethi and ors [2017 A.C.J.2700]**, it has to be “18”. The Tribunal has applied the multiplier as “16”. Hence, to that extent the submission of learned counsel for appellant needs to be accepted.

5] Similarly as regards the loss of estate and funeral expenses, Tribunal has awarded amount of Rs.2,000/- and 2500/- respectively. Considering the judgment of the Apex Court, in the case of Pranay Sethi (supra), the total amount of compensation to which the appellants are entitled under the conventional heads of funeral expenses, loss of estate and loss of consortium is Rs.1,70,000/-. Therefore, the award needs to be enhanced to that extent.

6] Accordingly the Appeal is allowed.

7] The impugned judgment and award passed by the Tribunal is modified to the extent that the appellants are held entitled to amount of $\text{Rs.10,000} \times 18 = \text{Rs}1,80,000/-$ plus Rs.1,70,000/- towards

conventional heads, which comes to Rs.2,50,000/- with interest at the rate of 6% per annum as awarded by the Tribunal on the amount of Rs.1,64,500/-from the date of application and on the additional amount of compensation, from the date of award passed by the Tribunal.

8] Appeal is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]