

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

**FIRST APPEAL NO. 199 OF 2017
WITH
CIVIL APPLICATION NO. 729 OF 2017**

Reliance General Insurance Co. Ltd.	...	Appellant
V/s.		
Smt.Kavita Sunil Thakur & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 3646 OF 2018
IN
FIRST APPEAL NO. 199 OF 2017**

Smt.Kavita Sunil Thakur & Ors.	...	Applicants
<u>In the matter between</u>		
Reliance General Insurance Co. Ltd.	...	Appellant
V/s.		
Smt.Kavita Sunil Thakur & Ors.	...	Respondents

- Ms.Poonam Mital for the Appellant.
- Mr.T.J. Mendon for Respondent Nos.1 to 4.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 10th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the Appellant and learned counsel for Respondent Nos.1 to 4.

2] This Appeal is preferred by the Appellant-Insurance Company against the 'Judgment and Order' passed by the Ex-Officio

Member, M.A.C.T., Alibag-Raigad in M.A.C.P. No. 23 of 2012 on 25/04/2016 only on the ground of quantum of compensation.

3] It is submitted that the amount awarded towards the conventional heads is excessive. Considering 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, the amount of compensation as awarded by the Tribunal is required to be modified from Rs.20,90,100/- to Rs.18,60,100/-. The impugned judgment and award is accordingly modified to this limited extent only.

4] 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.

5] 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.

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

[DR.SHALINI PHANSALKAR-JOSHI, J.]