

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

FIRST APPEAL NO. 1301 OF 2015

United India Insurance Co. Ltd.	...	Appellant
V/s.		
Mrs.Sandhya Sudhir Kushivle & Ors.	...	Respondents

- Mr.Rahul Mehta i/b. KMC Legal Venture for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the Appellant.

2] This Appeal is directed against the 'Judgment and Award' dated 09/09/2015 passed by the Motor Accident Claims Tribunal (MACT) Thane, thereby allowing the MACP No.657 of 2011 with proportionate costs and directing the Appellant-Insurance Company and the owner of the offending vehicle to jointly and severally pay the amount of Rs.17,32,500/- to the Claimants with the interest at the rate of 8% per annum from the date of petition till realization of the said amount.

3] The Award is challenged by the Appellant-Insurance Company on the ground that the Tribunal has awarded the 50% amount towards future prospects, instead of 30%.

4] However, considering the latest judgment of the Hon'ble Supreme Court in the case of *National Insurance Co. Ltd. Vs. Pranay Sethi & Ors., 2017 ACJ 2700*, having regard to the age of the deceased which was 32 years and the fact that he was in service as Manager at Indian Agro Farm, the amount awarded towards the future prospects needs to be 50% of the income earned by him. Hence, no fault can be found in the impugned 'Judgment and Award' passed by the Tribunal.

5] The Appeal therefore being without merit, stands dismissed.

6] The statutory amount of Rs.25,000/- deposited in this Court, if not transferred, be transferred to the concerned Tribunal along with accrued interest, if any.

[DR.SHALINI PHANSALKAR-JOSHI, J.]