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

**FIRST APPEAL (ST) NO.33254 OF 2016
WITH
CIVIL APPLICATION NO.1504 OF 2017**

New India Assurance Co.Ltd. ... Appellant
V/s.
Ushadevi Shivshyam Mishra and ors ... Respondents

Ms. Poonam Mital, for the appellant.
Mr. T. J. Mendon, for respondent Nos. 1 to 2

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th OCTOBER, 2018.

P.C. :

- 1] Not on board.
- 2] In view of connected First Appeal (ST) No.33260 of 2016, this appeal is taken on board.
- 3] Heard learned counsel for the appellant and respondent.
- 4] As the appeal is only on the quantum of compensation, it is taken up for final hearing at the stage of admission itself.
- 5] In this appeal, Insurance Company has challenged the award on the count that the compensation awarded is on excessive side. However, having regard to the age of the deceased to be 14 years at the time of accident, the Tribunal has considered his notional income to be of Rs.3,000/- and deducted 50% thereof towards his

personal expenses, has applied the multiplier of 18 and granted amount of Rs.3,24,000/- towards loss of dependency plus Rs.1,25,000/- towards conventional heads. Thus the total sum comes to Rs.4,49,000/-. This Court does not find that the amount awarded by the Tribunal is on excessive side in any way. Hence the appeal being without merit stands dismissed.

6] Amount of Rs.25,000/- alongwith interest accrued thereon be transferred to the Tribunal.

7] In view of disposal of Appeal itself, Civil Application No.1504 of 2017, becomes infructuous and therefore, it stands disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]