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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO.33260 OF 2016
WITH
CIVIL APPLICATION NO.1502 OF 2017
WITH
CIVIL APPLICATION NO.2169 OF 23018

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

Ms. PoonamM ital, for the appellant.

Mr. T. J. Mendon, for respondent Nos. 1 to 3.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the appellant and respondent.

2] This Appeal is taken up for final hearing at the stage of admission considering that only question of quantum of compensation is involved in the Appeal.

3] Appeal is directed against the judgment and award dated 7.4.2016, passed by Motor Accident Claims Tribunal, Raigad, thereby directing the compensation of Rs.59,94,596/- with interest at the rate of Rs.8% per annum.

4] Appeal is preferred by the Insurance Company and it is only on the point of quantum of compensation in which the amount awarded by the Tribunal towards Conventional heads is excessive. It is submitted that in view of the judgment of the Apex Court in the case of **National Insurance Co.ltd -vs- Pranay Sethi andors [2017 ACJ 2700],** amount of compensation would come to Rs.1,70,000/- only towards conventional heads. Whereas the Tribunal has awarded an amount of Rs.2,25,000/- .

5] As regards the multiplier applied by the Tribunal, having regard to the age of the deceased as 44 years, the multiplier applied of "14" is proper. Moreover, as regard to the income of the deceased, income tax returns produced on record shows that the income of deceased is considered to be Rs.4,75,516/- plus 30% future prospect and hence the Tribunal has rightly held claimants entitled to receive Rs.59,94,596/-.

6] The award passed by the Tribunal accordingly required to be modified reducing the amount of conventional heads from Rs.2,25,000/- to Rs.1,70,000/.

7] The Appeal is partly allowed.

8 The claimants are held entitled to get amount of compensation of Rs.59,39,596/-.

9] The excess amount of compensation which is deposited by the Insurance Company is required to be refunded to them, alongwith proportionate interest accrued thereon.

10] The amount of Rs.25,000/- deposited in this Court be transferred to the Tribunal alongwith proportionate interest accrued thereon.

11] Appeal is disposed off in above terms.

12] In view of disposal of Appeal itself, pending Civil Applications therein no more survive and they are disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]