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

**FIRST APPEAL (ST) NO.30817 OF 2016
WITH
CIVIL APPLICATION NO. 2839 OF 2018
IN
FIRST APPEAL (ST) NO.30817 OF 2016
WITH
CIVIL APPLICATION NO.1304 OF 2017
IN
FIRST APPEAL (ST) NO.30817 OF 2016**

The Divisional Manager,
United India Insurance Co.Ltd

... Appellant

V/s.

Vaijanti Mukund Kulkarni
and ors

... Respondents.

Mr. Abhijeet A. Joshi, for the Applicant.
Mr. R. S. Alange, for the Respondent Nos. 1 to 4.
Mrs. Rekha S. Pangare, for respondent No.5.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th AUGUST, 2018.

P.C. :

- 1] Heard learned counsel for the applicant and respondents.
- 2] This appeal can be disposed off as only a short question which pertains to the amount awarded by the Tribunal towards future prospects, is involved in this appeal.
- 3] The Tribunal has awarded the amount towards future

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prospects at the rate of 30% and that too relying upon the judgment in the case of **Sarla Verma and ors -vs- Delhi Transport Corporation and anr**, [(2009) 6 SCC 121 and **Santosh Devi -vs- National Insurance Company** [AIR 2012 SC 2185]. However, considering the age of the deceased, which was 51 years at the time of death, it should be 15%. Accordingly to that extent amount of future prospects is modified from an amount of Rs.8,858/-to Rs.4,429/- As a result thereof, the total amount of compensation is modified from Rs. 40,40,350/- to Rs.36,02,481/-.

4] In view of above, Appeal stands disposed off in above terms.

5] An amount of Rs.25,000/- which is deposited at the time of admission of the appeal be transferred to the Tribunal.

6] Civil Application No.2839 of 2018 filed by the claimant for withdrawal of the amount and Civil Application No.1304 of 2018, filed by appellant for stay, become infructuous in view of disposal of appeal itself, they are disposed off accordingly.

7] The original claimants are at liberty to file application for withdrawal of the compensation amount before the Tribunal.

[DR.SHALINI PHANSALKAR-JOSHI, J.]