**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

First Appeal No. 01113 of 2019

District : Jalgaon

Yasminbee Naeem Khan
(Wife of Deceased),
Age : 35 years,
Occupation : Household,
R/o. Azad Nagar,
Kabrastan Road,
Near Raza Tower, Bhusawal,
Taluka Bhusawal,
District Jalgaon
& 05 others. .. Appellants (Original claimants)

versus

Shankar Bhimrao Patil,
Age : 50 years,
Occupation : Driver,
R/o. At post Sadavan,
Taluka Yawal,
District Jalgaon
& 02 others. .. Respondents (Original respondents)

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Mr. Shrimant Munde, Advocate, for the appellants.

Mr. Ujwal S. Patil, Advocate, for respondents no.01 and 02.

Mr. Vinodkumar R. Mundada, Advocate, for respondent no.03.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09TH JULY 2019

ORAL ORDER :

01. Present appeal has been filed by the original claimants for enhancement in the compensation granted to them in Motor Accident Claim Petition No. 263 of 2015, by the learned Member of the Motor Accident Claims Tribunal, Jalgaon, on 22-12-2017.

02. Heard learned Advocate Mr. Shrimant Mundhe appearing for the appellants. Heard learned Advocate Mr. U.S. Patil appearing for respondents no.01 and 02. So also, heard learned Advocate Mr. V.R. Mundada appearing for respondent no.03.

03. Taking into consideration the fact that the present appeal is only restricted to the quantum i.e. enhancement, the facts are considered to that extent only. The claimants contended that deceased Naeem Khan was serving as Teacher and was getting salary of Rs. 41,203/- per month. He was aged 44 years. Taking into consideration these aspects, the learned Tribunal has awarded compensation of Rs. 65,89,702/-. The particulars of the computation of the compensation has been given by the learned Member in para 19 of the judgment. According to the appellants, the calculation is not as per the settled principles. There were six persons dependent on the income of the deceased and therefore, 1/6th of the income ought to have been deducted towards personal

expenditure and taking into consideration his age as 44 years, the multiplier ought to have been "15".

04. Per contra, learned Advocates for the respondents have supported the reasons and the calculations given by the learned Tribunal.

05. The gross salary of the deceased, which has been proved on record, is to the tune of Rs.41,203/-. The learned Member has deducted only the professional tax and income tax from the said amount which can be said to be the only heads under which the deductions are permissible. No fault can be found in respect of the same. Further, taking into consideration the age of the deceased, future prospectus has been awarded at 30 % of the total income which has been arrived at after deducting the amount of professional tax as well as income tax. Personal expenses have been deducted at 1/4th which is perfectly correct as per the decision in *Sarla Verma & others Vs. Delhi Transport Corporation & another* [(2009) 6 SCC 121]. Multiplier of "14" has been used and it is also as per decision in *Sarla Verma (supra)*. Even in the ratio laid down in *National Insurance Company Limited Vs. Pranay Sethi & others* [AIR 2017 SC 5157], the deductions, future prospectus and the multiplier have been stated and the learned Tribunal has made calculation on the basis of the said ratio. Non-pecuniary damages have also been granted as per decision in *Pranay Sethi's case (supra)*.

Under such circumstance, no fault can be found in the computation of the compensation awarded by the learned Member. There is no merit in the present appeal. It deserves to be dismissed.

06. Hence, the following order :-

The first appeal is hereby dismissed. There shall be no order as to costs.

(Smt. Vibha Kankanwadi)
JUDGE

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