

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

FIRST APPEAL NO. 284 OF 2011

National Insurance Co. Ltd.	...	Appellant
V/s.		
Mangala Rajendra Pawar & Ors.	...	Respondents

- Mr.Mehta i/b. KMC Legal Venture for the Appellant.
- Mr.Sangramsingh Yadav for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for both the parties.
- 2] This appeal takes an exception to the judgment and order dated 13/10/2010 passed by the Motor Accident Claims Tribunal, Satara, thereby awarding the compensation of Rs.10,95,000/- to the Respondents-Claimants including the amount of Rs.50,000/- under no fault liability with the interest at the rate of 7.5 per annum from the date of petition till the realization of the amount in full.
- 3] Learned counsel for the Appellant fairly submits that he is not disputing the income of the deceased which is considered by the trial Court to be Rs.5000/- per month; however now in view of the

judgment of the Hon'ble Apex Court in the case of *National Insurance Co. Ltd. Vs. Pranay Sethi*, [JT 2017 (10) SC 450], *the prospective income was required to be held at the rate of 40% and if it is done, then it will come to Rs.5000 + 40% = Rs. 7000/-, and after deducting 25% it will come to Rs.7000 - 25% = Rs.7000 - 1750 = Rs.5250/-*. Therefore, *for 12 months by taking multiplier 16 it will come to Rs.5250 x 12 = Rs.63000 x 16 = 10,08,000 + Rs. 70,000 = Rs.10,78,000/-*.

4] Learned counsel for the Respondent fairly concedes that the Appeal can be allowed to that limited extent by reducing the amount of Rs.17,000/- only from the amount awarded by the Tribunal.

5] Hence, the Appeal is allowed. The impugned judgment and order passed by the Tribunal is modified to the extent that the amount of compensation is modified to Rs.10,78,000/-. Rest of the order passed by the Tribunal is maintained and confirmed. Excess amount of compensation, if any, deposited by the Appellant-Insurance Company may be returned. The statutory amount of Rs.25,000/- deposited by the Appellant-Insurance Company be transferred the concerned Tribunal and the Appellant-Insurance Company is permitted to withdraw the said amount.