

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

**FIRST APPEAL NO. 1606 OF 2016  
ALONGWITH  
CIVIL APPLICATION NO. 4568 OF 2016  
IN**

**FIRST APPEAL NO. 1606 OF 2016  
Reliance General Insurance Co. Ltd. .... Appellant/  
Applicant**

**VERSUS**

**Amina Mainuddin Sayyad & Ors. .... Respondents**

**ALONGWITH  
CIVIL APPLICATION NO. 2212 OF 2019  
IN  
FIRST APPEAL NO. 1606 OF 2016**

**Amina Mainuddin Sayyad & Ors. .... Applicants**

**VERSUS**

**Reliance General Insurance Co. Ltd. & Anr. .... Respondents**

Ms.Poonam Mital for the Appellant/Applicant in CAF/4568/2016.

Mr.T.J.Mendon for the Respondent nos. 1 to 3 in CAF/2212/2019.

**CORAM : R.D. DHANUKA, J.**

**DATE : 20<sup>th</sup> NOVEMBER, 2019**

**P.C.**

In this first appeal, the dispute arises in respect of the quantification insofar as the compensation awarded by the tribunal in respect of the loss of estate, funeral expenses, love and affection in the sum of Rs.50,000/-, Rs.25,000/- and Rs.50,000/- respectively, is concerned. The notice on respondent no.4 is accordingly dispensed with.

2. Learned counsel for the parties agree that the compensation under those three heads would be only for an amount of Rs.70,000/- and not Rs.1,25,000/-. Statement is accepted. The compensation of Rs.1,25,000/- awarded by the tribunal under those three heads is reduced to Rs.70,000/- in accordance with the principles of law laid down by the judgment of Supreme Court in case of ***National Insurance Company Limited vs. Pranay Sethi & Ors., (2017) 16 SCC 680.***

3. First appeal is partly allowed. The appellant is directed to pay Rs.13,66,000/- with interest inclusive of NFL amount with interest at the rate of 7% p.a. from the date of filing of the application till total realization of the amount to the claimants. The claimants are permitted to withdraw the sum of Rs.13,66,000/- with accrued interest from the amount deposited by the insurance company with the M.A.C.T., Alibaug on production of authenticated copy of this order.

4. Office is directed to transmit the statutory deposit of Rs.25,000/- deposited by the appellant in this court to the M.A.C.T., Alibaug, Raigad expeditiously.

5. If there is any excess amount after withdrawal of the decretal amount by the original claimant, the same shall be refunded to the appellant by the M.A.C.T., Alibaug on production of authenticated copy of this order.

6. First appeal is disposed of in the aforesaid terms. No order as to costs.

7. In view of the disposal of the first appeal, civil application does not survive and is accordingly dismissed.

8. The parties as well as the M.A.C.T., Alibaug to act on the authenticated copy of this order.

**[R.D.DHANUKA, J.]**