

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

FIRST APPEAL NO. 831 OF 2004

The New India Assurance Co. Ltd. ... Appellant

Versus

Dadarao Shankarrao Gore and others ... Respondents

....

Mr. S. S. Dargad, Advocate h/f Mr. S. G. Chapalgaonkar, Advocate for appellant

Mr. V. M. Maney, Advocate for respondent Nos. 1 to 6

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CORAM : R. G. AVACHAT, J.

DATED : 06th OCTOBER, 2021

PER COURT :-

. This is an Insurance Company's appeal, taking exception to the quantum of compensation awarded in Motor Accident Claim Petition No.609 of 2000. It was a death claim. Under the impugned award, a sum of Rs.10,92,000/- has been awarded compensation along with interest at the rate 6/9% p.a.

2. Heard.

Learned Advocate for the appellant – Insurance Company would submit that there was no concrete evidence or proof

of the income of the deceased. He also tried to take exception to the impugned award on number of grounds.

3. Perused the impugned award. Gone through the relevant evidence. The deceased was serving as an Agricultural Assistant with the Department of Agriculture, State of Maharashtra. There is on record his salary certificate (Exh.23) indicating his last drawn salary to be at Rs.8,500/-. His annual income comes to Rs.1,02,000/-. Considering the number of dependents, 1/3rd thereof was deducted by the Tribunal towards personal leaving expenses of the deceased. He was 35 years of age when he breathed his last. The Tribunal has, therefore, rightly applied multiplier of 16 and worked out compensation of Rs.10,88,000/- on account of loss of dependency. Only a sum of Rs.5,000/- has been awarded towards loss of consortium.

4. It appears that no compensation has been awarded towards future prospects. Each of the claimant has not been given compensation towards loss of love and affection. It is thus a case whereunder amount of compensation awarded by the Tribunal warrants enhancement, but for want of appeal or cross-objection therefor.

5. In the result, the appeal fails. The same is thus, dismissed.

6. The amount of compensation, if any, deposited with this Court or the Tribunal, be paid to the claimants with interest accrued thereon, immediately.

[R. G. AVACHAT, J.]

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