

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

FIRST APPEAL NO. 2441 OF 2008

M/s New India Assurance Co. Ltd. ... Appellant
Versus
Ushabai w/o Achyutrao Manvatkar and others ... Respondents

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Mr. V. N. Upadhye, Advocate for appellant
Mr. V. P. Golewar, Advocate for respondent Nos. 1 to 4
Mr. M. P. Kale, Advocate for respondent No.6

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CORAM : R. G. AVACHAT, J.

DATED : 23rd AUGUST, 2021

PER COURT :-

. The challenge in this appeal is to the judgment and award dated 22.04.2008 passed by the Chairman, Motor Accident Claims Tribunal (M.A.C.T.), Jalna in Motor Accident Claim Patition (M.A.C.P) No.60 of 2007, granting compensation of Rs. 4,17,500/- to the claimants with interest at the rate 7% per annum from the date of application to the date of the award.

2. The appellant herein is the Insurance Company which had granted insurance covered to the vehicle involved in the accident.

3. Heard. Perused the impugned award and the relevant evidence, as well.

4. The M.A.C.P. was filed by the widow, three minor children and father of the deceased Achyutrao. The evidence on record indicate that late Achyutrao was proceeding on his foot on 16.02.2007. Tata make vehicle – Canter bearing registration No.MH-22-0630 knocked him down. Based on the site plan Exh.25, the Tribunal found the Canter to have had left the road and knocked down the deceased. On perusal of the police papers and the evidence in the matter, it does appear that the Tribunal has rightly found it to be a case of rash and negligence on the part of the Canter driver.

5. On the question of quantum, the Tribunal for want of concrete evidence, considered notional income of the deceased at Rs.3,000/- per month. Considering the deceased to have been in the age group of 30 – 35 years, applied multiplier of 17 after deducting 1/3rd of the annual income of the deceased towards personal living expenses, the Tribunal awarded a sum of Rs.4,08,000/- for loss of dependency and a sum of Rs.9,500/- on account of loss of consortium and funeral expenses etc.

6. On hearing the submissions made by the learned Advocate for the appellant – Insurance Company, I do not found it to be a case to interfere with the impugned award. It appears that the quantum of compensation is inadequate in the present scenario. There is, however, no appeal or cross objections for enhancement of compensation. Be that as it may.

7. For the aforesaid reasons, the appeal fails. The same is therefore, dismissed.

8. The amount in deposit with the Tribunal, be paid to the claimants, equally with interest accrued thereon.

9. Civil application No.8304 of 2021 is disposed of.

[R. G. AVACHAT, J.]

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