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

FIRST APPEAL NO.1693 OF 2011

Gayabai w/o Ram Jadhav & ors. ... APPELLANTS

VERSUS

**M/s Rinku Commercial Carrier Pvt. Ltd.
and others ... RESPONDENTS**

.....
Mr. Sachin S. Deshmukh, Advocate for appellants
Mr. Swapnil M. Mule, Advocate holding for
Mr. R.V. Gore, Advocate for respondent No.2.
Mr. M.M. Ambhore, Advocate for respondent No.3.
Mr. V.N. Upadhye, Advocate for respondent No.5.
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th DECEMBER, 2021

ORDER :

This is an appeal for enhancement of compensation granted by the Motor Accident Claims Tribunal, Parbhani on account of death in a vehicular accident. The deceased was 18 year old child. The claim was filed by his mother and siblings. The Tribunal, considering the notional income of the deceased at Rs.15,000/- per annum, has granted the compensation. It appears that, nothing has been awarded towards future prospects. A meagre sum has been

granted under conventional heads.

2. Learned counsel for the respondent Insurance Company would submit that, a just and reasonable compensation has been awarded by the Tribunal and as such, there is no reason to interfere therewith.

3. Learned counsel for the claimants would, on the other hand, submit that, the compensation may be awarded in terms of the Apex Court judgment in cases of **National Insurance Company Limited Vs. Pranay Sethi and others [(2017) 16 SCC 680]** and **MAGMA General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram & ors. [(2018) 18 SCC 130]**.

4. Considered the submissions advanced. Perused the impugned judgment and award. In view of this Court, since the deceased was a grown-up child of 18 years, his notional income has to be considered at Rs.2500/- per month. The compensation in terms of the aforesaid two judgments is required to be granted. As such, the amount of compensation to which the appellants are entitled to, is worked out as under:

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5. The notional income of the deceased is considered at Rs.30,000/- per year. 40% is added towards future prospects. As such, the total yearly income of the deceased comes to Rs.42,000/-. Since the deceased died bachelor, 1/2 of the income is deducted towards his personal and living expenses. This way, the total annual dependency comes to Rs.21,000/-. Considering the age of the deceased of 18 years, multiplier of 18 is applied. Applying the multiplier of 18, the amount of compensation on account of loss of dependency comes to Rs.3,78,000/-. In addition to above, each of the claimant is awarded Rs.40,000/- on account of loss of love and affection. Besides, Rs.30,000/- is granted towards loss of estate and funeral expenses. Thus, the total amount of compensation comes to Rs.3,78,000/- + Rs.1,20,000 + Rs.30,000/- = Rs.5,28,000/-. However, the amount of Rs.1,50,000/- shall not carry interest pendent lite i.e. from the date of claim petition till the date of this order.

6. In the result, the appeal partly succeeds in terms of the following order :

ORDER

(i) The appeal is partly allowed.

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- (ii) The amount of compensation of Rs.1,64,500/- is enhanced to Rs.5,28,000/-. However, the amount of Rs.1,50,000/- shall not carry interest pendent lite i.e. from the date of claim petition till the date of this order.
- (iii) Rest of the terms of impugned award to stand unchanged.

**(R. G. AVACHAT)
JUDGE**

fmp/-