

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

FIRST APPEAL NO.1154 OF 2006

1. Shivaji s/o Kerba Kasbe
Age 53 years, Occu. Labour
2. Sarjabai w/o Shivaji Kasbe,
Age 48 years, Occu. Household,

Both R/o Hoal, Tq. Kaij,
District Beed.

... APPELLANTS

VERSUS

1. Devidas s/o Yadav Wanway
Age 50 years, Occu. Business,
R/o CIDCO, N-2, 18/11,
Mukundwadi, Aurangabad
2. The United India Insurance
Company Ltd.
Vinayakrao Patil Chowk,
Station Road, Aurangabad
through its Divisional Manager

... RESPONDENTS

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S/Shri A.J. Mantri and S.S. Dargad, Advocates for appellants
Shri M.M. Bhokarikar, Advocate for respondent No.1.
Shri A.B. Gatne, Advocate for respondent No.2.
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CORAM : R. G. AVACHAT, J.

DATE : 30th September, 2021

PER COURT :

This is an appeal for enhancement of amount of
compensation awarded by the Tribunal on account of death in

a vehicular accident. The Tribunal considered the rate of daily wages at Rs.40/- per day and calculated the amount of compensation. It also considered the age of the claimant for determination of the multiplier. The amount of compensation needs to be worked out in terms of the directions in the judgment in case of **National Insurance Company Limited Vs. Pranay Sethi and others [(2017) 16 SCC 680]**.

2. The amount of compensation is, therefore, worked out as under :

3. The rate of daily wages of the deceased is notionally considered at Rs.50/- per day. As such, his monthly income would come to Rs.1500/-. His annual income would come to Rs.18,000/-. 40% of the amount is added towards future prospects. Thus, the annual income of the deceased comes to Rs.25,200/-. 50% of the amount is deducted towards living and personal expenses of the deceased. As such, the total loss of dependency comes to Rs.12,600/-. Since the deceased was 21 years of age when he breathed his last, a multiplier of 18 needs to be applied. Thus, the total amount of compensation comes to $12,600 \times 18 = \text{Rs.}2,26,800/-$. Amount of Rs.40,000/- to each of the

claimants is granted towards loss of love and affection and amount of Rs.30,000 is granted towards funeral expenses. As such, the total comes to Rs.3,36,800/-. No change in the rate of interest awarded by the Tribunal. The impugned award is modified as above. The amount paid or deposited by the Insurance Company in terms of the impugned award is given due set off.

4. First Appeal is disposed of.

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

fmp/-