IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1651 OF 2017
WITH
CIVIL APPLICATION NO.1548 OF 2020

The National Insurance Company Ltd. ..Appellant

Vs.

1. Suresh Sanduji Ingle,
2. Rakhi Suresh Ingle,
3. Moscot Construction Company
4. Sk. Rafiq Maheboob ..Respondents

Mr.A.B.Kadethankar, Advocate for appellant
Mr.V.A.Bagdiya, Advocate for respondent nos.1 and 2
Mr.Sk. Mujtaba Gulam Mustafa, Advocate for respondent no.3

AND
CIVIL APPLICATION NO.12064 OF 2019
IN FIRST APPEAL NO.1651 OF 2017

Suresh Sanduji Ingle ..Applicant

Vs.

The National Insurance Company Ltd.
and ors. ..Respondents

Mr.V.A.Bagdiya, Advocate for applicant
Mr.A.B.Kadethankar, Advocate for respondent no.1
Mr.Sk. Mujtaba Gulam Mustafa, Advocate for respondent no.2

CORAM : R.G. AVACHAT, J.
DATE : DECEMBER 17, 2021

ORDER :-

Heard.

2. This is an insurance company's appeal taking exception to the quantum of compensation awarded on account of death in a vehicular accident. The amount awarded under the impugned award is Rs.22,35,000/- with interest at the rate of 9% per annum.

3. The deceased died bachelor. The claim was, therefore, preferred by his parents. The deceased was said to have been serving with a private company at a monthly pay of Rs.20,000/-.

4. Learned counsel for the appellant-insurance company would submit that the accident took place way back in 2013. The deceased must not have been serving at a pay of Rs.20,000/- per month. The salary certificate was swelled one. He, therefore, urged for considering the income of the deceased notionally at Rs.8,000/- per month and work out the compensation.

5. Learned counsel for the respondents/claimants would, on the other hand, submit that the Tribunal has granted nothing towards future prospects. He, therefore, urged for enhancement of compensation.

6. Considered the rival submissions advanced by learned counsel for the parties. Perused the impugned judgment and award.

7. The salary certificate was admitted in evidence by the Tribunal. The certificate indicates that the deceased was serving at a monthly pay of Rs.20,000/-. He was Diploma holder. Learned counsel for the insurance company may have a reason to contend that the quantum of salary given in the salary certificate might be on higher side. It, however, appears that the Tribunal has granted nothing towards future prospects. Since the deceased died bachelor at the age of 20 years, 50% of his established income warrants addition towards future prospects. However, since the respondents have neither preferred an appeal nor a cross-objection for grant of compensation under that head, the prayer for enhancement of the compensation cannot be considered.

8. Paragraph 24 of the impugned award contains the details as to how the amount of compensation has been worked out. Since the deceased died bachelor, 50% of his income is subtracted towards his personal and living expenses and applying the multiplier of 18, the compensation has been worked out. It also appears that a

meagre amount has been awarded towards loss of estate and funeral expenses besides loss of love and affection. As such, the amount of compensation awarded under the impugned award is found to be just and reasonable, calling for no interference therewith.

9. In view of the above, the appeal fails and the same is dismissed.

10. The amount in deposit be paid to respondent no.2 – widow since respondent no.1 has passed away, pending the appeal, with interest accrued thereon.

11. Pending Civil Applications also stand disposed of.

[**R.G. AVACHAT, J.**]

KBP