

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 545 OF 2021

The New India Assurance Company Ltd. ... Appellant
Versus
Nilofar Syed Maheebub and others ... Respondents

....
Mr. A. S. Usmanpurkar, Advocate for appellant
Mr. P. C. Mayure, Advocate for respondent Nos. 1 to 4
Mr. R. R. Imale, Advocate for respondent No.5

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CORAM : R. G. AVACHAT, J.

DATED : 15th DECEMBER, 2021

PER COURT :-

. The challenge in this appeal is only in respect of amount of rupees one lakh granted to the widow of the deceased on account of loss of consortium and rupees fifty thousand each to claimant Nos.2 and 3 towards loss of care and protection.

2. Learned counsel are at ad-idem to pass order in terms of the Apex Court judgments in the case of *National Insurance Company Vs Pranay Sethi – (2017 16 SCC 680* and *Magma General Insurance Co. Ltd. Vs Nanu Ram alias Chuhru Ram and others – (2018) 18 SCC 130*.

3. In view of the same, the amount of compensation granted to the widow on account of loss of consortium is reduced

from Rs.1,00,000/- to Rs.40,000/-. The amount towards loss of care and protection granted to respondent/claimant Nos.2 and 3 is brought down to Rs.40,000/- each. The amount reduced therefrom is to be adjusted to Rs.30,000/- towards loss of estate and funeral expenses to which the Tribunal has awarded Rs.25,000/-. The rate of interest is scaled down from 8% p.a. to 6% p.a.

4. In view of above, appeal stands disposed of as under:-

- (i) The appeal is partly allowed.
- (ii) The amount of compensation is reduced from Rs.52,43,000/- to Rs. 51,58,000/-.
- (iii) The rate of interest is scaled down to 6% p.a.
- (iv) The amount in deposit be paid to the respondent claimants in terms of this order along with interest accrued thereon. The balance amount be paid back to the appellant – Insurance Company with interest accrued thereon, immediately.
- (v) Rest of the terms of the impugned award to stand unaltered.

[R. G. AVACHAT, J.]