

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

FIRST APPEAL NO. 546 OF 2021

The New India Assurance Co. Ltd.
Through Divisional Manager, Aurangabad ..APPELLANT

VERSUS

Savita Bhagwan Dudhe and Others ..RESPONDENTS

**AND CIVIL APPLICATION NO. 12628 OF 2021
IN FIRST APPEAL NO. 546 OF 2021**

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Mr. A.S. Usmanpurkar, Advocate for appellant
Mr. P.C. Mayure, Advocate for respondent nos. 1 to 3
Mr. R.R. Imale, Advocate for respondent no.5

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**CORAM : R.G. AVACHAT, J.
DATED : 13th DECEMBER, 2021**

PER COURT :

1. 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 Claimants/Respondent 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's judgment in the case of **National Insurance Company Vs. Pranay Sethi** reported in (2017) 16 SCC 680 and **Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram and Others** reported in (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 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) Appeal is partly allowed.
- (ii) The amount of compensation is reduced from Rs. 54,59,000/- to Rs.53,74,000/-.
- (iii) The rate of interest is scaled down to 6% p.a.
- (iv) The amount of compensation payable to Claimant No.4 be paid to his legal heirs, who have already been brought on record.
- (v) Rest of the terms of the impugned award stands unchanged.
- (vi) Pending civil application stands disposed of.

(R.G. AVACHAT, J.)