

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1158 OF 2018

Reliance General Insurance Company Ltd.

Through Its Corporate office

..Appellant

Vs.

Shri.Maruti Vitthal Gole & Ors.

..Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture for the Appellant.

Mr.Tejal S. Ingale for the Respondent Nos.1 and 2.

CORAM : C.V. BHADANG, J.

DATE : 8 SEPTEMBER 2021

JUDGMENT :

. As the appeal involves short question about quantum of compensation, the appeal is taken up for final disposal by consent of parties.

2. The deceased Prashant Maruti Gole was aged about 21 years and was serving as Supervisor with Om Shanti Transport Service at Nerul, Navi Mumbai and was earning Rs.12,000/- per month. He met with an accident on 11 June 2014 at about 6.30 a.m. when he was traveling by car No.MH-43-AN-4647. The accident occurred at Sector No.48 on Seawood Railway Station road.

3. The Tribunal by the impugned judgment and award dated 4 January 2018 in MACP No. 632 of 2014 has awarded a compensation of Rs.18,44,400/- along with interest at the rate of 8% per annum from the date of the petition till realization. This includes the compensation on no fault liability basis.

4. I have heard the learned counsel for the appellant and the learned counsel for the respondent Nos.1 and 2. Notice to respondent No.3 is dispensed with by order dated 19 November 2018.

5. In the appeal memo the appellant states that at the highest the Tribunal ought to have granted compensation of Rs.13,26,000/- instead of Rs.18,44,400/-. Thus it can be seen that the challenge is limited to the quantum of compensation granted. It is submitted by the learned counsel for the appellant that after reckoning monthly income of the deceased at Rs.12,000/- per month, the Tribunal could not have again considered addition to the said income on the basis of the future prospects.

6. The contention in my considered view cannot be accepted, in view of the decision of the Supreme Court in the case of *National Insurance Company Limited V/s. Pranay Sethi and Others¹*. The Supreme Court has *inter alia* held that while

1 (2017) 16 Supreme Court Cases 680

determining the income there has to be an addition towards future prospects depending upon the age of the deceased.

7. The Tribunal has computed the compensation as under:-

1	Future loss of dependency	Rs.18,14,400/-
2	Loss of love, affection and estate	Rs.15,000/-
3	Amount incurred for the funeral and last rites of the deceased	Rs.15,000/-
	Total	Rs.18,44,400/-

8. I have gone through the impugned judgment and award and I do not find that the compensation arrived at by the Tribunal suffers from any infirmity. In such circumstances, appeal is without any merit and it is accordingly dismissed, with no order as to costs.

9. The amount of Rs.25,000/- deposited before this Court along with interest, if any, shall be made over to the Motor Accident Claims Tribunal, Thane. The said amount along with amount deposited before the Tribunal, along with interest shall be paid to the respondent Nos.1 and 2.

**NILAM
SANTOSH
KAMBLE**
Digitally signed by
NILAM SANTOSH
KAMBLE
Date: 2021.09.09
15:20:26 +0530

C.V. BHADANG, J.