

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

FIRST APPEAL NO.862/2018

Smt. Swati @ Archana Wd/o Dilip and others

VS.

M/s Viswer Wariah Construction Co. Ltd and others

Office Notes, Memoranda of Appearances, orders or directions and Registrar's orders	Office Coram, court's orders and	Court's or Judge's orders
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Shri Rohit Joshi, learned counsel for the appellants.

Shri M.B. Joshi, learned counsel for the respondent No.2

CORAM : NITIN W. SAMBRE J.

DATE : 16.09.2021

This appeal is by the claimants seeking enhancement as according to the claimants the Tribunal has erred in not granting future prospects at the rate of 30% as deceased was 47 years old at the time of accident.

2. The aforesaid contentions are based on the statutory provisions and as such counsel for the respondent No.2-Insurance Company has not disputed the said claim.

3. The claim of 30% of the future prospect and entitlement of claimant for the same is not disputed by the counsel for the appellant- Insurance Company as same is based on the settled principle of law as could be

noticed on the catana of judgments.

4. Hence, the claim to the extent of addition of future prospect to the extent of 30% stands allowed.

5. It is directed that claimants will be entitled for 30% of the future prospect as the deceased was aged about 47 years. The amount of future prospect is directed to be deposited by the appellant-Insurance Company in this Court within a period of eight weeks from today with accrued interest thereon.

6. The appeal stands allowed in the above terms.

JUDGE

manisha