IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 574 OF 2014

1. Chaya Deelip Sarwade,
Age : 38 years, Occu. : Household,

2. Sandeep Deelip Sarwade,
Age : 20 years, Occu. : Student,

both R/o. : Padoli, Tq. Kallamb,
Now R/o. : Sindgao, Tq. Renapur,
Dist. Latur **... APPELLANTS**
(Ori. Claimants)

VERSUS

1. Gunwant Govindrao Sarwade,
Age : Major, Occu. : Agriculture,
R/o. : Padoli, Tq. Kallamb, Dist. Osmanabad

2. Bajaj Allianz General Insurance Co Ltd.
Through Branch Manager,
Shop No.32 and 34, Navadhar Arcade,
Kawa road, Opp. Market Yard,
Gut No.2, Latur **... RESPONDENTS**

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Mr. M.D. Shinde – Advocate for Appellants
Mr. S.G. Chapalgaonkar – Advocate for Respondent No.2

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CORAM : S.G. DIGE, J.
DATE : 6th October, 2022

JUDGMENT

. By way of this appeal appellants – original claimants

seeking enhancement of compensation.

2. It is contention of learned Counsel for appellants that, husband of the appellant No.1 and father of appellant No.2 was died in the accident. Deceased was doing agricultural labour work from which he was getting income of Rs.40,000/- per annum but the Member, Motor Accident Claims Tribunal, Latur *(for short "the Tribunal")* has considered amount of Rs.36,000/- as yearly income of the deceased. The deceased was 45 years of age at the time of accident, the multiplier should be 15 years but the Tribunal has not applied multiplier. Hence, requested to allow the appeal.

3. It is contention of learned Counsel for respondent No.2 that, the Tribunal has considered all the aspects while granting compensation. The deceased was doing labour work hence, the compensation awarded by the Tribunal is proper. The order passed by the Tribunal is legal and valid.

4. I have heard both the learned Counsel. Perused the judgment and order passed by the Tribunal.

5. Issues involved in this appeal are income of deceased considered on lower side and multiplier is not applied. The Tribunal has observed that, the claimant No.1 - widow of deceased has deposed that, the annual income of the deceased from the job of agricultural labour work was amount of Rs.40,000/-. The deceased was agricultural labourer therefore, his annual income is treated at Rs.36,000/-. I am unable to understand that, without assigning any reason the Tribunal has considered amount of Rs.36,000/- and reduced the annual income of the deceased.

6. It has come in the evidence of Smt. Chaya Sarwade that, her husband was doing agricultural labour work and he was getting Rs.40,000/- per year. Nothing elucidated in her cross-examination. In my view, there is no reason to disbelieve the evidence of this witness as she has stated that, her husband was doing agricultural labour work. Hence, I am considering amount of Rs.40,000/- as yearly income of the deceased. While calculating compensation the Tribunal has not applied multiplier. The deceased was 45

years of age at the time of accident. As per view of the Hon'ble Apex Court in the case of ***Sarla Verma (Smt.) and Others Vs. Delhi Transport Corp. and Another*** reported in ***(2009) 6 SCC 121***, 15 is the proper multiplier.

7. Considering above calculations, the appellants are entitle for following compensation.

Sr. No.	Heads	Amount
1.	Income (per annum)	Rs.40,000/-
2.	Multiplier (Rs.40,000 x 15)	Rs.6,00,000/-
3.	Deductions (1/3)	Rs.2,00,000/-
4.	Total income	Rs.4,00,000/-
5.	Funeral expenses	Rs.2,000/-
6.	Loss of consortium	Rs.5,000/-
7.	Loss of estate	Rs.2,500/-
8.	Total compensation	Rs.4,09,500/-
9.	Tribunal Awarded	Rs.2,97,500/-
10.	Appellants are entitled	Rs.1,12,000/-

8. The Tribunal has awarded amount of Rs.2,97,500/-, if it deducts from amount of Rs.4,09,500/- it comes to amount of Rs.1,12,000/-, hence the appellants are entitle for this amount. In view of the above, I pass the following order :-

ORDER

(a) Appeal is allowed.

(b) Appellants are entitle for enhanced amount of Rs.1,12,000/- along-with @ 6% interest thereon from the date of filing of claim petition till its realisation.

(c) Respondents shall deposit the enhanced amount within four (04) weeks before the Tribunal.

(d) Appellants are permitted to withdraw deposited amount.

(e) Appeal is disposed of, accordingly.

[S.G. DIGE, J.]