IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1800 OF 2015

1. Ms. Jagruti Milind Naik
Aged 17 years, Occu.: Student,

2. Ms. Shravani Milind Naik,
Aged 16 years, Occu.: Student,

Appellants being minor,
representing through their
Guardian, Gopalkrishna Vilas Joshi,
Aged 42 yeard, Occu.: Service,
Utkarsha Nagar, Dhule Road,
At & Po. Amalner, Dist. Jalgaon. …. Appellants
(Orig. Claimants)

Versus

1. Shekh Najeer Shaikh Kabir
Aged : Major, Occu. : Driver,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

2. Md. Farooq Shaikh Sharifoddin,
Aged : Major, Occu. : Business,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

3. National Insurance Co. Ltd.,
Through Branch Manager,
2nd Floor, Saibaba Market,
299, Baliram Peth, Behind Kelkar
Market, Jalgaon, Dist. Jalgaon. … Respondents.

WITH

FIRST APPEAL NO. 1799 OF 2015

1. Ms. Jagruti Milind Naik
Aged 17 years, Occu.: Student,

2. Ms. Shravani Milind Naik,
Aged 16 years, Occu.: Student,

Appellants being minor,
representing through their
Guardian, Gopalkrishna Vilas Joshi,
Aged 42 yeard, Occu.: Service,
Utkarsha Nagar, Dhule Road,
At & Po. Amalner, Dist. Jalgaon. .... Appellants
(Orig. Claimants)

Versus

1. Shekh Najeer Shaikh Kabir
Aged : Major, Occu. : Driver,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

2. Md. Farooq Shaikh Sharifoddin,
Aged : Major, Occu. : Business,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

3. National Insurance Co. Ltd.,
Through Branch Manager,
2nd Floor, Saibaba Market,
299, Baliram Peth, Behind Kelkar
Market, Jalgaon, Dist. Jalgaon. ... Respondents.

WITH

FIRST APPEAL NO. 1801 OF 2015

1. Ms. Jagruti Milind Naik
Aged 17 years, Occu.: Student,

2. Ms. Shravani Milind Naik,
Aged 16 years, Occu.: Student,

Appellants being minor,
representing through their
Guardian, Gopalkrishna Vilas Joshi,
Aged 42 yeard, Occu.: Service,
Utkarsha Nagar, Dhule Road,
At & Po. Amalner, Dist. Jalgaon. .... Appellants
(Orig. Claimants)

Versus

1. Shekh Najeer Shaikh Kabir
Aged : Major, Occu. : Driver,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

2. Md. Farooq Shaikh Sharifoddin,
Aged : Major, Occu. : Business,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

3. National Insurance Co. Ltd.,
Through Branch Manager,
2nd Floor, Saibaba Market,
299, Baliram Peth, Behind Kelkar
Market, Jalgaon, Dist. Jalgaon.

4. Pushpabai Madhukar Naik
Died through L.Rs.

4A. Mahesh Madhukar Naik
Age: 52 years, Occu.: Service
R/o Shivanjali Building,
Bhagirath Colone, Jalgaon,
Dist. Jalgaon
C/o. M.N. Naik
Near Ashok Bakery, Ganesh Colony,
At & Post Jalgaon, Dist. Jalgaon … Respondents.

WITH

FIRST APPEAL NO. 1823 OF 2014

The National Insurance Company Ltd.
A Subsidiary of the General Insurance
Coroporation of India and a company
Incoroporated under the Companies Act
having on of its Divisional Office at
Hazari Chambers, Station Road,
Aurangabad
Through its Authorized Signatory … Appellant.

Versus

1. Puspabai Madhukar Naik (Deleted)

2. Jagruti Milin Naik
Age 11 years,
U/g of Gopalkrishna Vilas Joshi,
Age: 34 years, Occu.: Service,
R/o. Amalner, Tq. Amalner,
Dist. Jalgaon.

3. Shravani Milind Naik,
Age : 09 years,
U/g of Gopalkrishna Vilas Joshi,
Age: 34 years, Occu.: Service,
R/o. Amalner, Tq. Amalner,
Dist. Jalgaon.

4. Shaikh Najeer Shaikh Kabir
Aged : Major, Occu. : Driver,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

5. Mohammed Farooq Shaikh Sharifoddin,
Aged : Major, Occu. : Owner,
R/o. Nashirabad,
Tq. & Dist. Jalgaon. … Respondents.
(R. Nos. 1-3 orig. Claimants.)

WITH

FIRST APPEAL NO. 1822 OF 2014

The National Insurance Company Ltd.
A Subsidiary of the General Insurance
Coroporation of India and a company
Incoroporated under the Companies Act
having on of its Divisional Office at
Hazari Chambers, Station Road,
Aurangabad
Through its Authorized Signatory … Appellant.

Versus

1. Puspabai Madhukar Naik
Age 67 years, Occu.: Pensioner,

and Household,
C/o. Advocate Y.B. Joshi,
Gendur Road, near Sahakar
Mangal Kayryalaya, Devpur,
Dist. Dhule.

2. Jagruti Milin Naik
Age 11 years,
U/g of Gopalkrishna Vilas Joshi,
Age: 34 years, Occu.: Service,
R/o. Amalner, Tq. Amalner,
Dist. Jalgaon.

3. Shravani Milind Naik,
Age : 09 years,
U/g of Gopalkrishna Vilas Joshi,
Age: 34 years, Occu.: Service,
R/o. Amalner, Tq. Amalner,
Dist. Jalgaon.

4. Shaikh Najeer Shaikh Kabir
Aged : Major, Occu. : Driver,
R/o. Nashirabad,
Tq. & Dist. Jalgaon.

5. Mohammed Farooq Shaikh Sharifoddin,
Aged : Major, Occu. : Owner,
R/o. As above … Respondents.
(R. Nos. 1-3 orig.
Claimants.)

WITH

FIRST APPEAL NO. 1825 OF 2014

The National Insurance Company Ltd.
A Subsidiary of the General Insurance
Coroporation of India and a company
Incoroporated under the Companies Act
having on of its Divisional Office at
Hazari Chambers, Station Road,
Aurangabad
Through its Authorized Signatory … Appellant.

Versus

1. Puspabai Madhukar Naik
   (deleted)

2. Jagruti Milin Naik
   Age 11 years,
   U/g of Gopalkrishna Vilas Joshi,
   Age: 34 years, Occu.: Service,
   R/o. Amalner, Tq. Amalner,
   Dist. Jalgaon.

3. Shravani Milind Naik,
   Age : 09 years,
   U/g of Gopalkrishna Vilas Joshi,
   Age: 34 years, Occu.: Service,
   R/o. Amalner, Tq. Amalner,
   Dist. Jalgaon.

4. Shaikh Najeer Shaikh Kabir
   Aged : Major, Occu. : Driver,
   R/o. Nashirabad,
   Tq. & Dist. Jalgaon.

5. Mohammed Farooq Shaikh Sharifoddin,
   Aged : Major, Occu. : Owner,
   R/o. As above ... Respondents.

(R. Nos. 1-3 orig. Claimants.)

....

Mr. V.Y. Bhide, Advocate for the appellants / original claimants in FA Nos. 1800/2015, FA/1799/2015 and FA/1801/2015 and for Respondent Nos. 2 and 3 in FA Nos. 1823/2014, 1822/2015 and 1825/2015

Mr. Ajeet Kadethankar, Advocate for Insurance Company in all Appeals.

Mr. S.K. Naseer, Advocate for respondents / Owner and Driver in all Appeals

Mr. S.P. Nagapurkar, Advocate for Respondent No. 4 in FA/1801/2015.

....

CORAM : SHRIKANT D. KULKARNI, J.

Reserved on : 25.02.2022
Pronounced on : 05.05.2022

JUDGMENT :-

1. These appeals are arising from the same and one accident, though by way of different judgment and award passed by the Member M.A.C.T., Jalgaon in M.A.C.P. Nos. 521/2007, 522/2007 and 523/2007.

2. Feeling aggrieved by the impugned judgment and award passed by the Member, M.A.C.P. Jalgaon in M.A.C.P. Nos. 521/2007, 522/2007 and 523/2007, the original claimants have preferred first appeal Nos. 1801/2015, 1799/2015 and 1800/2015. Whereas, the National Insurance Company Ltd. has preferred first appeal Nos. 1823/2014, 1822/2014 and 1825/2014 Hence, these six appeals are being disposed of by common judgment.

3. Facts giving rise to these appeals are as under:

3(a) On 22.07.2007, Milind, his wife Pallavi and minor son Adarsh (since deceased) were proceeding towards Dhule from Bhusaval on their motorcycle. Milind was driving his motorcycle. The tempo bearing registration No.MH-19-S-4026, while overtaking another vehicle did not notice motorcycle driven by the deceased Milind and gave dash to his motorcycle and caused the accident. In the said accident, Milind, his wife Pallavi and the minor son Adarsh succumbed to the injuries.

3(b) The minor daughters Jagruti and Shravni had filed claim petitions under Section 166 of the Motor Vehicle Act, 1988 for compensation vide M.A.C.P. No. 521 of 2007, M.A.C.P. No. 522/2007 and M.A.C.P. No. 523/2007.

3(c) The Tribunal, after considering the rival pleadings of parties, evidence on record and the argument advanced by both the sides, was pleased to allow the claim and determined the compensation of Rs.4,19,000/- (inclusive of N.F.L. amount) and directed to the owner, driver and the insurer of the offending vehicle to pay the compensation with interest at the rate of 7.5% per annum from the date of filing of petition till its full realization in M.A.C.P. No. 521 of 2007.

3(d) The Tribunal was pleased to partly allow the claim and determined the compensation of Rs. 1,70,000/- (inclusive of N.F.L. amount) and directed to the owner, driver and the insurer of the offending vehicle to pay the compensation with interest at the rate of 7.5% per annum from the date of filing of petition till its full realization in M.A.C.P. No. 522 of 2007.

3(e) The Tribunal was pleased to partly allow the claim and determined the compensation of Rs.16,46,500/- (inclusive of N.F.L. amount) and directed to the owner, driver and the insurer of the offending vehicle to pay the compensation with interest at the rate of 7.5% per annum from the date of filing of petition till its full realization in M.A.C.P. No. 523 of 2007.

Grounds of appeal raised in FA/1800/2015, 1799/2015 and FA/1801/2015

4. According to the claimants, the Tribunal has committed an error while making calculation of compensation under various heads. The Tribunal has not considered the issue of future prospects while determining the amount of compensation. The Tribunal has committed an error in making 1/3rd deduction from the income, which is contrary to the decision of the Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Another*** reported in ***AIR 2009 SC 3104***.

Grounds of appeal raised in FA/1823/2015, FA/1822/2015 and FA/1825/2015

5. According to National Insurance Co. Ltd., the Tribunal has committed an error in not considering the defence raised by the insurance company that the insured vehicle was a "goods vehicle" and respondent no.3 / driver was holding a licence to drive light motor vehicle with non-transport category. The Tribunal has not considered the defence of fundamental breach of terms of the insurance policy. The Tribunal has committed an error while making the calculation. The Tribunal has not made any deduction under the head of personal expenses / living expenses in M.A.C.P. No. 523/2007 and thereby resulted in awarding excess amount of compensation.

6. Heard Mr. V.Y. Bhide, learned counsel for the appellants / claimants, Mr. S.K. Naseer, learned counsel for the owner and driver of the offending vehicle, Mr. Kadethankar, learned counsel for the insurance company and Mr. S.P Nagapurkar, learned counsel for respondent No.4 in first appeal No. 1801/201

7. Mr. Bhide, learned counsel for the claimants invited my attention to para No.12 of the impugned judgments in M.A.C.P. No.521 of 2007 and M.A.C.P. No. 522 of 2017. He pointed out that

the Tribunal has deducted 1/3rd from the income of deceased towards personal expenses, which is incorrect. According to Mr. Bhide, learned counsel for the claimants, the proper deduction would be 1/4th. Mr. Bhide submitted that the Tribunal has not considered the future prospects having regard to the age of the deceased. It is necessary to consider the future prospects in the income of the deceased in view of decision in case of ***National Insurance Company Lt. Vs. Pranay Sethi and others*** reported in ***AIR 2017 SC 5157***. He further submitted that the Tribunal has not awarded the pecuniary damages as per decision in case of ***Pranay Sethi*** (supra)

8. Mr. Bhide, learned counsel for the claimants submitted that the compensation determined by the Tribunal in above said three claims need to be reassessed in view of decision in case of ***Pranay Sethi*** (supra) and ***Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram*** reported in ***AIR 2019 SC (Supp) 906***. He, therefore, urged to allow the appeals preferred by the original claimants.

9. Mr. Kadethankar, learned counsel for the insurance company invited my attention to para 13 of the impugned judgment in M.A.C.P. No. 523 of 2007 and pointed out that the

Tribunal has committed an error in not considering the deduction under the head of personal expenses / living expenses. It needs to be considered while determining the income of the deceased.

10. Mr. Kadethankar, learned counsel for the insurance company and Mr. S.K. Naseer, learned counsel for the owner and driver of the offending vehicle submitted that the Tribunal has not considered the defence in a proper way. They submitted that the tribunal has rightly deducted 1/3rd under the head of personal expenses according to well settled position of law. The deceased Pallavi was not having a permanent job. She was a tailor by profession. As such, no question of making any additions under the head of future prospects.

11. I have considered the submissions of both the sides, I have also gone through the para no. 12 and 13 of respective impugned judgments and awards, which relates to assessment of compensation.

12. It is important to note that even though the National Insurance Co. Ltd. has raised the defence of fundamental breach of policy and the driver was not holding the effective and valid driving licence, not produced any evidence in support of its defence. Mere raising plea in the written statement is not any way

helpful. It was necessary for the insurance company to adduce the evidence in support of its defence. In absence of any iota of evidence, the defence raised by the insurance company cannot be taken into consideration.

13. There is no dispute that deceased Pallavi was 31 years of age at the time of accident. The Tribunal has rightly applied multiplayer of 16. The Tribunal has deducted 1/3rd income under the head of personal expenses, which is disputed by Mr. Bhide, learned counsel for the appellants / claimants. In this context, I have gone through the landmark judgment of the Hon'ble Supreme Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and Another*** (supra). The Hon'ble Supreme Court on the subject of deductions towards personal and living expenses has held as under.

> "Where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceed six. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different

principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself."

14. In the present case, there are five family members in the family of deceased Pallavi. Two daughters, who are claimants, one minor son and husband, who are also no more, and mother-in-law. The husband cannot be said to be dependent on the income of the deceased Pallavi. As such, dependency comes to four. As such, 1/4th needs to be deducted from the income of the deceased Pallavi towards her personal expenses. 1/3rd deduction made by the Tribunal is found incorrect in view of decision in case of ***Sarla Verma*** (supra). That correction needs to be made. Another point regarding future prospects is concerned, the deceased Pallavi was doing tailoring work. Though there was no income proof to that effect, the Tribunal has accepted her status as a tailor and determined her income at Rs.3,000/- per month by way of notional income, which is found reasonable in view of facts of the case. According to the decision in case of ***Pranay Sethi*** (supra), it is necessary to add 40% in the income of the deceased towards future prospects when she was found below 40 years. The Tribunal has not considered this aspect of future prospects. Even though the

deceased Pallavi was working as a tailor, a self employed person, there is always scope for increase in the income by passage of time. As such, it is necessary to add 40% in the income of the deceased towards future prospects.

15. Having regard to the above reasons and discussion, the compensation in first appeal No.1800/2015 is reassessed as under:

Name of the deceased : Pallavi Milind Naik (M.A.C.P. No. 521/2007)	
Head	Compensation Amount
Yearly notional Income Rs 36,000/- (Rs.3,000/- x 12 = Rs. 36,000/-) (-) 1/4 deduction towards personal expenses (Rs. 36,000 – Rs 9,000 = 27,000/- net income per year)	Rs. 27,000=00
Future prospects Rs. 18,800/- (40 % of above)	Rs. 37,800=00
Multiplier 16 [Rs. 37,800/- x 16 (multiplier)]	Rs.6,04,800=00
Funeral expenses	Rs. 16,500=00
Loss of estate (Rs. 15,000/- for each claimant) (Rs. 15,000/- x 2)	Rs. 30,000=00
Loss of Parental consortium Rs. 40,000/- (for each claimant) (Rs. 40,000/- x 2)	Rs. 80,000=00
Total compensation awarded	**Rs. 7,31,300=00**
(-) Compensation awarded by M.A.C.T.	Rs. 4,19,000=00
Enhanced Compensation	**Rs. 3,12,300=00**

16. In first appeal No. 1799/2015, it is evident from the record and also admitted position that there were five family members in the family of deceased Aadarsh. Two sisters / claimants, father, mother and grandmother. The father cannot be said to be dependent on the income of the deceased Aadarsh. However, the Tribunal has deducted 1/3rd under the head of personal expenses from the income of the deceased Adarsh. According to the landmark decision in case of ***Sarla Verma*** (supra), and having regard to the size of family members of the deceased Adarsh, the deduction ought to have been 1/4th . That error committed by the Tribunal needs to be corrected.

17. So far as non pecuniary damages are concerned, according to the decision in case of ***Pranay Sethi*** (supra) and in case of ***Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram*** (supra), it is necessary to award the compensation under the head of non pecuniary damages.

18. The compensation in first appeal No.1799/2015 is reassessed as under:

Name of the deceased : Adarsh Milind Naik (M.A.C.P. No.522/2007)	
Head	**Compensation Amount**
Yearly notional Income Rs. 15,000/- (-) 1/4 deduction towards personal expenses (Rs. 15,000 – Rs.3,750/- = 11,250/- net income per year)	Rs. 11,250=00
Multiplier 15 [Rs. 11,250/- x 15 (multiplier)]	Rs.1,68,750=00
Non pecuniary damages	Rs. 2,00,000=00
Funeral Expenses	Rs. 16,500=00
Loss of estate (Rs. 16,500/- for each claimant) (Rs. 16,500/- x 2)	Rs. 33,000=00
Loss consortium Rs. 40,000/- (for each claimant) (Rs. 40,000/- x 2)	Rs. 80,000=00
Total compensation awarded	**Rs. 4,98,500=00**
(-) Compensation awarded by M.A.C.T.	Rs. 1,70,000=00
Enhanced Compensation	**Rs. 3,28,500=00**

19. In first appeal No.1801/2015, on going through the impugned judgment delivered in M.A.C.P. No. 523/2007, it is pointed out by Mr. Kadethankar, learned counsel for the appellant / insurance company that the Tribunal has not considered the deduction under the head of personal expenses / living expenses. It needs to be considered while determining the income of the deceased Milind.

20. The deceased Milind was serving as a Peon on the establishment of Civil Court at Bhusaval at the time of accident. He was drawing gross salary of Rs.6,176/- and his salary certificate has been duly proved (Exhibit Nos. 54 to 56). He was not income tax payer. As such, no need to make any deductions under the head of income tax.

21. Learned counsel for both the sides have referred the citations in case of ***Pranay Sethi*** (supra) and ***Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram*** (supra) and submitted that the compensation needs to be reassessed. I found force in the submission of learned counsel for both the sides and accordingly the compensation needs to be reassessed in the light of decision in case of ***Pranay Sethi*** (supra) and ***Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram*** (supra).

22. Mr. Bhide, learned counsel for the claimants, by placing reliance in case of ***Vimal Kanwar and others Vs. Kishre Dan and others*** reported in ***AIR 2013 SC 3820***, sought 100% increase in future income of the deceased Milind Naik. He submitted that the deceased was working as a Peon on the establishment of Civil Court at Bhusaval. He was State Government employee. He had

permanent job. As such, 100% increase in future income may be considered.

23. In case of ***Pranay Sethi*** (supra), the Bench of the Hon'ble three Judges of the Supreme Court has held that when the deceased had permanent job and below 40 years, addition of 50% be made in his income while considering the future prospects. I have gone through the citation in case of ***Vimal Kanwar*** (supra). Wherein, in the cited case, the deceased was 28 years 7½ months old, a Government employee. By considering the age of the deceased as 28 years 7½ months, the Hon'ble two Judges Bench of the Supreme Court pleased to increase 100% by way of future prospects in the income of the deceased. In the present case, deceased Milind Naik was 36 years old. As such, 50% needs to be added in his income by way of future prospects in view of the decision in case of ***Pranay Sethi*** (supra).

24. Mr. Kadethankar, learned counsel for the insurance company submitted that the decision of the Hon'ble three Judges Bench in case of ***Pranay Sethi*** (supra) needs to be applied having regard to the facts of the case and the age of the deceased.

Name of the deceased : Milind Naik (M.A.C.P. No. 523/2007)	
Head	**Compensation Amount**
Yearly Income - Rs.74,112/- Rs.6,176 p.m. x 12 = Rs. 74,112/-) (-) Professional Tax – Rs. 2,500/- (Rs. 74,112 – Rs.2,500 = Rs. 71,612/-) Net Yearly Income - Rs. 71,612/- (-) 1/4 deduction towards personal expenses (Rs. 71,612 – Rs.17,903/- = 53,709/- net income per year)	Rs. 53,709=00
Future Prospects 26,854 (50%)	Rs. 80,563=00
Multiplier 15 [Rs.80,563/- x 15 (multiplier)]	Rs.12,08,445=00
Non pecuniary damages	Rs. 2,00,000=00
Funeral Expenses	Rs. 16,500=00
Loss of estate (Rs. 16,500/- for each claimant) (Rs. 16,500/- x 2)	Rs. 33,000=00
Loss of Parental consortium Rs. 40,000/- (for each claimant) (Rs. 40,000/- x 2)	Rs. 80,000=00
Total compensation awarded	**Rs. 15,37,945=00**

25. Respondent No.4 / Pushpabai Madhukar Naik, died during the pendency of the appeal. Her legal heir 4A / Mahesh Madhukar Naik (brother of deceased Milind) is brought on record as a legal heir. However, respondent No. 4A / Mahesh Madhukar Naik is not

entitled to get any share in the amount of compensation since he does not fall in the category of dependent on the income of the deceased Milind.

26. Having regard to the above reasons and discussion, it is necessary to modify the impugned judgment and award passed in M.A.C.P. Nos. 521/2007, 522/2007 and 523/2007. Accordingly award passed in M.A.C.P. Nos. 521/2007, 522/2007 and 523/2007 stand modified as under.

O R D E R

(I) The appeal Nos. 1800 of 2015 and 1799 of 2015 preferred by the original claimants stand partly allowed as under:

Order in First Appeal No. 1800 of 2015

(i) The impugned award passed in M.A.C.P. No. 521/2007 by the Member, M.A.C.T. Jalgaon is modified as under:

> (a) The respondent Nos. 1 to 3 shall liable to pay enhanced compensation of Rs. 3,12,300/- to the appellants / claimants (inclusive of N.F.L. amount) with interest at the rate of 6% p.a. from the date of filing of claim petition till its full realization within eight (08) weeks from today.

Order in First Appeal No. 1799 of 2015

(ii) The impugned award passed in M.A.C.P. No. 522/2007 by the Member, M.A.C.T. Jalgaon is modified as under:

(a) The respondent Nos. 1 to 3 shall liable to pay enhanced compensation of Rs. 3,28,500/- to the appellants / claimants (inclusive of N.F.L. amount) with interest at the rate of 6% p.a. from the date of filing of claim petition till its full realization within eight (08) weeks from today.

Order in First Appeal No. 1801 of 2015

(iii) First appeal No. 1801 of 2015 preferred by the appellants / claimants stands dismissed.

(iv) First Appeal No. 1822/2014 preferred by the insurance company stands allowed and the award passed by the Member, M.A.C.T. Jalgaon in M.A.C.P. No. 523/2015 is modified as under.

(a) The respondent Nos. 1 to 3 shall liable to pay compensation of Rs. 15,37,945/- to the appellants / claimants (inclusive of N.F.L. amount) with interest at the rate of 6% p.a. from the date of filing of claim petition till its full realization within eight (08) weeks from today.

(II) First appeal Nos. 1823/2014 and 1825/2014 preferred by the Insurance company stand disposed of in view of disposal of above connected first appeals.

(III) The respondent Nos. 1 to 3 shall pay enhanced compensation as determined in First Appeal Nos. 1800/2015 and 1799/2015 along with interest at the rate of 6% per annum to the claimants within three months from today.

(IV) No order as to costs.

(V) Record and Proceedings be sent back to the Tribunal.

(VI) Award be drawn up accordingly.

(VII) The appeals are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane