IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 46 OF 2018

United India Insurance Company Ltd. …. Appellant
v/s.
Smt. Bharati Sandeep Ranjane and ors. …. Respondents

WITH
INTERIM APPLICATION NO. 3765 OF 2019
IN
FIRST APPEAL NO. 46 OF 2018

Smt. Bharati Sandeep Ranjane and ors. …. Applicants

In the matter between :-
United India Insurance Company Ltd. …. Appellant
v/s.
Smt. Bharati Sandeep Ranjane and ors. …. Respondents

Mr. Rahul Mehta i/b. KMC Legal Ventures for the Appellant.
Ms. Sushama Poyekar for Respondent Nos.1 to 5 in FA/46/2018 and for Respondent No.1 in FA/297/2018 and for the Applicants in IA/3765/2019 and IA/3766/2019.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st JULY, 2022.

P. C. :-

. This is an Appeal under section 173 of Motor Vehicles Act challenging judgment and award dated 20/04/2017 in Motor Accident Claim Petition No.556/2011 passed by MACT, Thane.

2. The Respondent Nos.1 to 5 (hereinafter referred to as 'the claimants') had filed petition under section 166 of Motor Vehicles Act in view of the death of Sandeep Ranjane, in motor vehicular accident on 25/05/2011. The case of the claimants was that the accident was caused solely due to the rash and negligent driving by the driver of the offending vehicle bearing No.MH43-E-4323 against Tavera car bearing No.MH-04-BE-3380.

3. The claimants alleged that the deceased was 29 years of age. He was working as a registered Clerk with an advocate and was earning Rs.25,000/- per month. The claimants being the widow, minor children and parents of the deceased alleged that the deceased was the sole earning member and claimed total compensation of Rs.40,00,000/-.

4. The Trial court considered the monthly income of the deceased at Rs.13,000/- per month, added 50% towards future prospects, applied multiplier of 17 and considering the number of dependents in the family and deducted 1/4th towards personal expenses and computed loss of dependency to Rs.29,83,500/-. The learned Judge also awarded compensation of Rs.4,25,000/- on the other conventional heads and

thus awarded total compensation of Rs.34,08,500/-. Being aggrieved by this judgment, the Appellant – Insurance Company has filed this Appeal.

5. Mr. Rahul Mehta, learned counsel for the Appellant states that the challenge is only to the grant of future prospects. The issue regarding future prospects is no more res integra. In ***National Insurance Company Limited v/s. Pranay Sethi and ors. (2017) 16 SCC 680*** , the Apex Court has laid down that while determining the income, an addition of 50% of actual salary of the deceased should be made towards future prospects when the deceased had a permanent job and was below the age of 40 years. In the instant case, the deceased was a permanent employee and he was 40 years of age. Considering the said fact, the Tribunal has not committed any error in adding 50% of the actual salary towards future income.

6. Under the circumstances, the Appeal has no merits and is accordingly dismissed. The compensation deposited by the Appellant – Insurance Company be paid to the claimants in the following proportion :-

a) The Tribunal shall pay 35% of the compensation along with proportionate interest accrued thereon to the claimant no.1, the widow of the deceased and 5% of the compensation along with proportionate interest accrued thereon be paid to the claimant no.4, the father of the deceased.

(b) The claimant nos.2 and 3 are minors. Hence, compensation of 30% each with proportionate interest accrued thereon be invested in their respective names in FDR in any nationalized bank until such time they attain the age of majority.

7. Pending applications, if any, stands disposed of in view of dismissal of the Appeal.

PREETI
H JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)