



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.183 OF 2020
WITH
CIVIL APPLICATION NO.617 OF 2020 IN FA/183/2020

Maharashtra State Road Transport
Corporation, through its
Divisional Controller,
Division Office, Beed,
Tq. & Dist. Beed.

... Appellant

... **Versus** ...

- 1 Meena w/o Sanjay Bawale,
Age 48 yrs., Occ. Household,
R/o Kallam, Tq. Kallam,
Dist. Osmanabad.
At present r/o Shivneri Colony,
Shri. Ram Nagar, Beed.
- 2 Uttkarsha d/o Sanjay Bawale,
Age 23 yrs., Occ. Education,
R/o as above.
- 3 Yogesh Sanjay Bawale,
Age 18 yrs., Occ. Education,
R/o as above.
- 4 Himmatrao Manoharrao Bawale,
Age 68 yrs., Occ. Nil,
R/o as above.
- 5 Gayabai w/o Himmatrao Bawale,
Age 63 yrs., Occ. Household,
R/o as above.
- 6 ICICI Lombard General Insurance Co. Ltd.,
Lenin House, Keshavrao Khade Marg,

Mumbai through its Branch Manager,
Alaknanda Complex, Adalat Road,
Near Baba Petrol Pump,
Aurangabad.

... **Respondents**

...

Mr. A.D. Wange, Advocate for appellant

Mr. S.B. Choudhari, Advocate for respondent Nos.1 to 3

Mr. A.R. Barhate, Advocate for respondent Nos.4 and 5

...

WITH

FIRST APPEAL NO.3691 OF 2019

WITH

CIVIL APPLICATION NO.14311 OF 2019 IN FA/3691/2019

- 1 Meena w/o Sanjay Bawale,
Age 48 yrs., Occ. Household,
R/o Kallam, Tq. Kallam,
Dist. Osmanabad.
At present r/o Shivswapn Nivas,
Malicha Wada, Vishal Nagar,
Latur, Dist. Latur.
- 2 Utkarsha d/o Sanjay Bawale,
Age 23 yrs., Occ. Education,
R/o as above.
- 3 Yogesh Sanjay Bawale,
Age 18 yrs., Occ. Education,
R/o as above.

... **Appellants**

... **Versus** ...

- 1 Maharashtra State Road Transport Corporation, through Divisional Controller, M.S.R.T.C., Beed, Tq. & Dist. Beed.
- 2 ICICI Lombard General Insurance Co. Ltd., Through its Branch Manager, Alaknanda Complex, Adalat Road, Near Baba Petrol Pump, Aurangabad, Dist. Aurangabad.
- 3 Himmatrao Manoharrao Bawale, Age 68 yrs., Occ. Nil, R/o Itkur, Tq. Kallam, Dist. Osmanabad.
- 4 Gayabai w/o Himmatrao Bawale, Age 63 yrs., Occ. Nil, R/o Itkur, Tq. Kallam, Dist. Osmanabad.

... **Respondents**

...

Mr. S.B. Choudhari, Advocate for appellants

Mr. A.D. Wange, Advocate for respondent No.1

Mr. V.N. Upadhye, Advocate for respondent No.2

Mr. S.S. Thombre, Advocate for respondent Nos.3 and 4

...

**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

RESERVED ON : 31st OCTOBER, 2023

PRONOUNCED ON : 13th DECEMBER, 2023

JUDGMENT : (PER : SMT. VIBHA KANKANWADI, J.)

1 The present appeals are arising out of the Judgment and Award passed in Motor Accident Claim Petition No.85/2011 by the learned Member, Motor Accident Claims Tribunal, Beed on 14.08.2019, whereby the said claim petition came to be partly allowed. Here, the First Appeal No.183 of 2020 is filed by original respondent No.1, whereas First Appeal No.3691 of 2019 is filed by original claimant Nos.1 to 3 and, therefore, both the appeals are proposed to be decided by this common Judgment. (For the sake of convenience hereinafter the parties are referred to by their original nomenclature before the Tribunal.)

2 The claimants, who are the legal representatives of deceased Sanjay Himmatrao Bawale, have come with a case that original claimant No.1 is the widow, claimant Nos.2 and 3 are their children, and claimant Nos.4 and 5 are the parents of deceased Dr. Sanjay Himmatrao Bawale. Deceased Dr. Sanjay was the medical practitioner as well as he was in the business of ginning and agriculturist. His income was Rs.10,00,000/- per year from all the sources of income. Deceased was 43 years old person, who had obtained Bachelor of Ayurvedic Medicine and Surgery in the year 1999 and started practice under the name and style "Suyash Clinic" at Kallam, Dist. Osmanabad. After closing the clinic on 24.12.2010 he was proceeding

towards Latur from Kallam in order to meet his children, who were taking education in Latur city. He was driving car bearing No.MH 24-V-1691. When he had reached Murud-Akola on Kallam Latur road at about 1.00 a.m. on 25.12.2010, one S.T. Bus bearing No.MH 20-BL-0476 came from opposite direction in high speed, rashly and negligently. The said bus gave dash to the car driven by the deceased, resulting in grievous injuries to the deceased. He was shifted to Civil Hospital, Latur, however, he was declared dead. The accident had taken place due to the sole negligence on the part of bus driver. Offence was registered against said driver vide Crime No.87/2010 under Section 304-A, 279 of the Indian Penal Code. Spot panchnama as well as inquest panchnama have been prepared, which have been produced on record. The claimants further contend that the deceased was getting Rs.5,00,000/- per year income from his medical practice and he was paying income tax since 2001. His holding of the agricultural land was to the extent of 30 acres and with the help of labours and his person supervision he was getting around Rs.5,00,000/- per year income from the agriculture. With the amount which he had saved, he decided to invest it in installation of ginning and pressing factory at Kothewadi, Tq. Kallam. He had raised Rs.2 crores, out of which amount of Rs.1 crore was his personal funds and he obtained loan from State Bank of Hyderabad, Branch Kallam to the extent of Rs.1 crore. The construction of the factory and installation was completed and the

production was likely to start from 01.01.2011, but due to unfortunate demise of the deceased his dream to run the said factory could not be completed. That would have earned him net income of more than Rs.50 to 60 lacs per year. He had also started Ashram schools at Kallam under the name “Shri. Vithumauli Balsadan” and at Borgaon (Bk), Tq. Kaij, Dist. Beed under the name “Shri. Vithumauli Balakashram”, which was catering for more than 200 students. Deceased was incurring expenses on the said Ashrams from his personal funds. The claimants, therefore, claimed compensation of Rs.9,79,10,000/- together with interest.

3 Respondent No.1 filed written statement at Exh.12 and specifically denied all the contents of the petition. It has been submitted that one Sayyad Rafiq Ismail was driving the S.T. bus from Nanded to Kolhapur. When the said bus came near Sakhar pati village, at that time one car came from opposite direction in zigzag manner. The driver of the S.T. bus has taken his bus to the extreme left and stopped it by applying right side indicator, however, at that time the car had given dash to the right side of the bus. The accident took place due to the sole negligence of the car driver. The owner of the car is necessary party, so also the insurance company. As the driver of the S.T. bus was not negligent or rash, the Corporation is not responsible to pay the compensation.

4 It appears that respondent No.2 i.e. the insurance company, with which the car was insured on the date of the accident came to be added as party at a later stage. After respondent No.2 was added, the insurance company has filed its written statement at Exh.39 and denied the contents of the petition. Age, income and the details of the sources of income as well as the details of the family members has been denied. It has been stated that the driver of the car was not holding valid and effective driving licence and, therefore, there is breach of terms of policy. The insurance company is not liable to pay compensation as the driver of the bus was negligence and he has been prosecuted. The policy which was taken was the indemnify the liability incurred towards third person or in respect of damage to the property. Therefore, the owner of the vehicle being not a person who can be said to be third party, no liability can be fastened on the insurance company in respect of his death.

5 On the basis of rival contentions issues came to be framed and then recasted. Thereafter claimants have examined the widow and a Bank employee to support their claim. They have produced certain documents on record also. Respondent No.1 examined Sayyad Rafiq Sayyad Ismail i.e. the driver of the bus. Respondent No.2 has not led any evidence. Taking into consideration the evidence on record and hearing both sides the learned

Tribunal partly allowed the claim petition. It was held that the accident took place due to the sole negligence on the part of the S.T. driver and, therefore, respondent No.1 being the owner of the offending vehicle is vicariously liable to pay the compensation to the claimants. Respondent No.1 was directed to pay amount of Rs.52,81,500/- together with interest @ 9% per annum from the date of the petition till actual realization of the amount of the compensation. As aforesaid, both the parties i.e. respondent No.1 as well as the original claimants have challenged the said Judgment and Award. The challenge by respondent No.1 is on all counts, whereas the challenge by the original claimants is to the extent of amount of compensation and they have claimed the enhancement in the compensation.

6 Heard learned Advocate Mr. A.D. Wange for the appellant, learned Advocate Mr. S.B. Choudhari for respondent Nos.1 to 3 and learned Advocate Mr. A.R. Barhate for respondent Nos.4 and 5 in First Appeal No.183 of 2020; and learned Advocate Mr. S.B. Choudhari for appellants, learned Advocate Mr. A.D. Wange for respondent No.1, learned Advocate Mr. V.N. Upadhye for respondent No.2 and learned Advocate Mr. S.S. Thombre for respondent Nos.3 and 4 in First Appeal No.3691 of 2019.

7 It has been vehemently submitted on behalf of respondent No.1 – Corporation that the learned Tribunal failed in appreciating the evidence.

The claimants had not examined any person to prove the alleged rash and negligent driving on the part of the driver of respondent No.1. CW 1 Meena is the widow of deceased and in her cross-examination she has clearly admitted that she has not witnessed the accident. The respondent has examined its driver Sayyad Rafiq Sayyad Ismail as RW 1. Sayyad Rafiq has clearly stated on oath that when he saw the car coming in zigzag manner, he had taken his car to the left side of the road by putting on the indicators of the bus on the right side, still the car gave dash to the right side of the S.T. bus. The cross-examination on behalf of the claimants would show that he has only admitted a fact that the First Information Report was filed against him and he has been charge sheeted. The opinion of the police is not binding on this Court when claimants have not examined any eye witness, then the testimony of RW 1 Sayyad Rafiq assumes importance, which ought to have been considered by the learned trial Judge. The claimants have failed to prove that the accident took place due to the sole negligence on the part of bus driver. The claimants were, therefore, not entitled to get compensation from respondent No.1

8 The learned Advocate for the claimants supported the reasons given by the learned Tribunal on the point of rashness and negligence, as it has been held that only the bus driver was negligent. The copy of the First

Information Report has been produced at Exh.46, which is after an inquiry, panchnama of the spot was carried out and if we consider the panchnama, then, the spot of the accident does not support the picture painted by respondent No.1. Respondent No.1 has not examined any other witness, who might have been travelling from the S.T. bus at the relevant time to support the testimony of RW 1 Sayyad Rafiq. The interested words of RW 1 Sayyad Rafiq rightly discarded by the learned Tribunal, however, the Tribunal erred in arriving at the income figure of the deceased.

9 The learned Advocate for the claimants submitted that various Income Tax Returns have been produced on record. Learned Tribunal has taken note of the recent Income Tax Returns Exh.58, which was for the Assessment Year of 2009-2010, which was just prior to the death of Dr. Sanjay. The degree certificate of Dr. Sanjay has been produced on record. He had obtained the said degree of B.A.M.S. in 1999. The 7/12 extract has also been produced on record which shows that 34 R land stood in the name of deceased at village Borgaon, Tq. Kaij, Dist. Beed. The statement of account of Shivkripa Ginning and Pressing Factory has been produced on record and in order to prove that State Bank had given loan of Rs.1 crore to deceased. Claimants have examined CW 2 Krishnakant Marotirao Kale, Manager, State Bank of India, Branch Kallam. No doubt, after death of proprietor of the said

company viz. Dr. Sanjay Himmatrao Bawale the account has become Non Performing Asset (NPA) and the outstanding amount has gone up to Rs.2,27,00,000/-. In fact, it ought to have been considered by the Tribunal that as deceased was found to be eligible to get the loan, in other words it was found that he can repay the said loan amount of Rs.1 crore, the loan was granted. The profits in the business would have started from January, 2011, but unfortunately Dr. Sanjay expired on 25.12.2010. Income from the said additional source of income ought to have been considered by the learned Tribunal. The learned Advocate for the claimants has relied on Single Judge Bench decision of this Court in **Mohini Ganesh Lonkar and another vs. Dnyaneshwar Maruti Waghmare and others** reported in **2017 (4) ALL M.R. 162**, wherein more amount of compensation was apportioned to the minor children and then equal to widow and parents of the deceased. He canvassed that the amount of compensation ought not to have been distributed. He submitted that the claimants are entitled to get enhancement in the compensation as the figure arrived at by the Tribunal is meagre and not based on the evidence adduced.

10 Learned Advocate for respondent No.2 – insurance company supported the reasons given by the learned Tribunal for holding driver of the bus responsible for the accident and imposing responsibility on the

respondent No.1 – Corporation, whereas the learned Advocate for the parents of deceased submitted that the distribution should be equal as everybody was dependent on the income of the deceased.

11 Taking into consideration the rival contentions following points are arising for determination, findings and reasons for the same are as follows.

Sr. Nos.	POINTS	FINDINGS
01	Whether claimants have proved that the accident was caused due to the rashness and negligence in the driving of Sayyad Rafiq while driving bus bearing No.MH 20-BL-0476 ?	In the affirmative.
02	Whether the claimants are entitled to get compensation and in view of the appeal for enhancement whether they are entitled to get enhancement in the compensation ? If yes, what should be the just amount of compensation ?	In the affirmative. As per final order.

REASONS

Point No.1 :

12 The claimants have not examined any eye witness to the incident. CW 1 Meena, widow of the deceased, is not an eye witness. How she came to know about the accident has also not been disclosed by her, however, she has relied on public documents like certified copy of First

Information Report Exh.46, certified copy of spot panchnama Exh.47, certified copy of inquest panchnama Exh.49 and certified copy of Postmortem Report Exh.50. Important point to be noted is that she had stated that the accident has taken place around 1.00 a.m. of 25.12.2010 and this fact is admitted by RW 1 Sayyad Rafiq. In his examination-in-chief he has stated that he was driving bus bearing No.MH 20-BL-0476 from Nanded to Kolhapur. At night time the S.T. bus came near Sakhar Pati. According to him, the car driver was coming from opposite direction in high speed, rashly and in zigzag manner. He, therefore, took his bus on the extreme left of the road and put on the indicator of the right side, but during that process the car came and dashed to the right side of the bus. Here, respondent No.1 has not examined any other witness to support the contention of the driver. No doubt, it would be the initial burden on the claimants to prove the negligence on the part of the driver of the opposite vehicle, however, public documents are produced on record which would show that after an inquiry the First Information Report came to be lodged and though it has not come on record directly it appears that the charge sheet has also been filed against RW 1 Sayyad Rafiq. In his cross-examination he has admitted that neither he nor respondent No.1 have filed any proceedings for quashing the prosecution against him. He has voluntarily stated in the cross that he had gone to lodge a report to the Police Station stating that the car driver was negligent and the

accident took place due to the negligence on the part of the car driver. He then says that his complaint was not taken. He cannot escape by saying so, that too afterwards. He had the opportunity to send the complaint through Post or make a complaint with the superior authority in the Police Department, when his complaint was allegedly refused to be taken down. It is very easy to say at a later point of time that he had gone but police had not recorded his complaint. We find that testimony of RW 1 Sayyad Rafiq is interested. Since the accident has taken place at night time i.e. 1.00 a.m., there would be almost no possibility of an eye witness, but the passengers from the bus and even the Conductor of the bus could have been examined to state that after the bus was taken to its left side they heard noise of collusion. Here, in this case, we could find that even the spot panchnama is not giving a clear picture. The width of the road has not been stated. Though it is stated that the bus was towards its left, the car is shown to have gone into the ditch on its left side, but we were interested in getting the point of impact i.e. the place where the two vehicles collided with each other. If we go by the diagram, that place is shown towards the right side of the bus but behind the driver's side. If the collusion was at that place where the bus was standing, then, the car could have got embedded in the bus. Here, the car is Maruti Alto, which can be said to be a small car and because of even small push it may get thrown away at much distance. Therefore, when in spite of

availability of adducing evidence, the respondent No.1 – Corporation has not adduced the evidence of proper witness and, therefore, we cannot rely on the interested words of the driver of the bus, who has been prosecuted. Under the said circumstance, we hold that the claimants have proved that the accident took place due to the sole negligence on the part of the bus driver. The point is, therefore, answered in the affirmative.

Point No.2 :

13 In view of the findings to point No.1 in the affirmative the natural corollary would be that the driver Sayyad Rafiq and the respondent Corporation vicariously would be liable to pay compensation to the legal representatives of deceased Dr. Sanjay. The provisions in respect of Section 166 of the Motor Vehicles Act and other Sections are benevolent provisions and it is settled principle of law that, in such cases the Tribunal is bound to grant just compensation. The word 'just' herein includes adequate, sufficient compensation based on the evidence i.e. adduced by the claimants. While arriving at the amount of compensation we are guided by various decisions of Hon'ble Supreme Court. Here, the Tribunal has considered yearly income as Rs.4,95,000/- including the addition of future prospects. According to the claimants, income of the deceased from various sources was Rs.10,00,000/- per year. Therefore, when it was found by the claimants that whatever has

been granted by the Tribunal was inadequate, the First Appeal has been filed for the enhancement.

14 The claimants have relied on the photo copy of degree certificate of the deceased at Exh.59 and it appears that there is no much dispute even as regards his qualification. However, the claimants have contended that the earning from medical profession was Rs.5,00,000/- per year and the income from agricultural land was Rs.5,00,000/- per year. The 7/12 extract which is on record would show that he is having only 03 H 34 R land in Gat No.29 at Borgaon, in which he used to take crop like jowar, bajra and cotton. The 8-A extract of his father shows that he has 10 H 99 R land, however, we cannot take note of the income from the land which is standing in the name of his father. It is impossible that the land which is standing in his name alone would be giving him income of Rs.5,00,000/- per year. Further, there is no evidence to show that after his demise the said land has been sold by claimants. The land is still available with the claimants, at the most the claimants would be entitled to get compensation under the head "Loss of Estate".

15 The claimants have produced various Income Tax Returns, which appeared to be starting from year 2002, at that time his income has been shown as Rs.49,860/- per annum. It has been gradually increased and we

are required to take note of the last Income Tax Return for the Assessment Year 2009-2010. The gross total income has been shown as Rs.3,96,305/- and in fact, it is from all the sources. The claimants have not stated that even during that period i.e. Assessment Year 2009-2010 the income from Ginning and Pressing Factory was available to the deceased. Under the said circumstance, only the income has been shown in Exh.58 Income Tax Returns is required to be considered. The same has been taken a note of by the learned trial Judge by taking note of the decision of Hon'ble Apex Court in **National Insurance Company Limited vs. Pranay Sethi and others** [2017 AIR (SC) 5157]. As per the Postmortem Report, age of the deceased has been taken 45 years. The Income Tax Returns filed by him do not bear his date of birth, but only the PAN has been given. Therefore, we have to take the age stated in Postmortem Report as the basis for further calculations. The learned Tribunal taking note of **Pranay Sethi** (supra) and the fact that deceased was self employed has included 25% rise towards the future prospectus and, therefore, arrived at yearly income of the deceased at Rs.4,95,000/-.

16 Now, objection has been raised as regards non inclusion of the income that deceased would have received. If the ginning factory would have been started and proceeded, it was supposed to get profit from 2011

onwards. We are not impressed by the submissions on behalf of original claimants on this point. What has been produced on record is the evidence of CW 2 Krishnakant Kale, who was the Manager of the Bank, from where deceased had obtained loan. He has submitted that loan of Rs.1 crore was sanctioned to deceased, but he says that it was the limit of Rs.1 crore. It was a Term Loan Account. The best evidence which he could have through him that could have come on record is, which documents he had produced along with the loan proposal, what was considered by the Bank while sanctioning the said Term Loan, where any search report or project report was submitted etc. But in spite of availability of those documents, those have not been produced. Another factor to be noted is that deceased was shown to be the proprietor of Shivkripa Ginning and Pressing Company. When he was a professional i.e. a registered Medical Practitioner, then whether he could have been allotted to run such factory by showing him as the proprietor itself, is a question. Each profession has its own rules and regulations and, therefore, while continuing to serve as Medical Practitioner whether he could have taken up the proprietorship, is a question. But without going into further aspects on that point the income which was not available on the date of death of a person and the profit which itself is a predictable subject cannot be considered to add the income figure. The learned trial Judge has rightly rejected the alleged source of income which deceased earned on the date of

his death.

17 The claimants were five in number and, therefore, taking into consideration the decision in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another** [(2009) 6 SCC 121] personal expenses have been rightly deducted at $\frac{1}{4}^{\text{th}}$ and, therefore, the annual dependency of the claimants have been rightly calculated at Rs.3,71,250/-. Further, in view of deceased was 45 years old, Rs.3,71,250/- multiplied by 14. The compensation under loss of dependency has been rightly calculated at Rs.51,97,500/-.

18 The further calculation by the learned Tribunal was on the basis of **Pranay Sethi** (supra) in respect of loss of consortium, funeral, love and affection etc. However, now, we will have to consider the decision in **Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others** [2018 (4) TAC 345]. Thereafter amount of Rs.60,000/- is awarded each to claimant Nos.1 to 3 towards loss of consortium, love and affection respectively. That amount comes to Rs.1,80,000/-. Amount of Rs.48,000/- each is given to claimant Nos.4 and 5 i.e. the parents towards loss of consortium/filial in view of **Magma General Insurance Co. Ltd.** (supra). That amount comes to Rs.96,000/-. Amount of Rs.30,000/- is awarded towards loss of estate and an amount of Rs.15,000/- towards funeral in view of

Pranay Sethi (supra) and **Magma General Insurance Co Ltd.** (supra). Thus, the claimants would be entitled to get compensation of Rs.55,18,500/- (Rs.51,97,500/- + Rs.1,80,000/- + Rs.96,000/- + Rs.30,000/- + Rs.15,000/-).

19 This amount of Rs.55,18,500/- would be then inclusive of the amount awarded by the Tribunal, which itself was inclusive of amount of Rs.50,000/- towards No Fault Liability i.e. Rs.52,81,500/-. It appears from order dated 20.01.2020 passed by this Court that ad interim stay was granted by this Court in favour of the Corporation on condition of deposit of 50% of the amount recoverable under the Award passed by the Tribunal. Then the original claimants were allowed to withdraw the said 50% of the amount on submitting undertaking to the Court. Under the said circumstance, even from the said amount of Rs.52,81,500/- together with interest only 50% amount appears to have been allowed to be withdrawn by the original claimants. In the meantime original claimant Nos.2 and 3 have become major. All these facts are taken note of. Accordingly, the point is answered in the affirmative.

20 We are of the view that the entire enhanced amount should be given to claimant No.1 since she is looking after the affairs of the family and also to repay the loan amount. The rate of interest that was awarded was @

9%, however, taking into consideration the present rate of interests and the enhancement that we are granting from today, we grant the rate of interest @ 6% per annum for enhanced amount only.

21 In view of the findings to both the points, the appeal filed by the Corporation deserves to be dismissed and the appeal filed by the original claimant Nos.1 to 3 deserves to be allowed partly, as certainly they are not entitled to get the amount claimed by them.

22 For the aforesaid reasons, we proceed to pass following order.

ORDER

1 First Appeal No.183 of 2020 stands dismissed.

2 First Appeal No.3691 of 2019 stands partly allowed.

3 The Judgment and Award passed in Motor Accident Claim Petition No.85/2011 to the extent of grant of compensation stands modified as follows :

“i) It is hereby held that claimant Nos.1 to 5 are entitled to receive amount of Rs.55,18,500/- (inclusive of amount of Rs.52,81,500/- awarded by the Tribunal, which itself was

inclusive of amount of Rs.50,000/- towards No Fault Liability) together with interest. The rate of interest granted by the Tribunal on Rs.52,81,500/- is maintained as it is, however, as regards enhanced amount is concerned, interest to be paid @ 6% per annum from the date of pronouncement of the Award by the Tribunal i.e. 14.08.2019 till its actual realization.

ii) The amount which has been already withdrawn by the claimants should be deducted from the above awarded amount.

iii) Distribution of amount which is without enhancement to be done as per order passed by the Tribunal amongst the original claimants. However, as regards the enhanced amount is concerned, the entire amount be given to claimant No.1 since she is looking after the affairs of the family and also to repay the loan amount.

iv) Award be prepared accordingly.”

4 Civil Applications stand disposed of.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

agd