

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2023.03.03
11:00:54
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 176 OF 2022

Reliance General Insurance Co. Ltd.)
Through Branch Manager, Jeanstone,)
Near Punjab National Banks)
Near Parikh Bridge,)
Behind Central S.T. Stand, E-Ward)
Dist. Kolhapur. Through Chintamani Avenue)
4th Floor, Opp. Western Express Highway,)
Next to Virwani Industrial Estate,)
Goregaon (E), Mumbai - 400 063)
Policy No. 1701542334002152,)
Period from - 21-10-2014 to 20-10-2015)....Appellant
(Org. Opp. No.2)

Versus

1. Kum. Riya Rajendra Shete,)
Aged about 19 years,)
Occ. Education,)
2. Kum. Aaryan Rajendra Shete,)
Aged about 15 years,)
Occ. Education,)
(Respondent No.2 being Minor through the,)
Natural Guardian Sou. Suvarna A. Shete.)
3. Sou. Suvarna Aannaso Shete,)
Aged about 68 years,)
Occ. Housewife,)
(Mother of the deceased,))
4. Shri. Annaso Dadu Shete,)
Aged about 77 years,)
Occ. Nil,)

(Father of the deceased,))
 (Respondent No.3 for herself and for)
 Minor Respondent No.2 as Grand Mother)
 and Next Friend, Guardian)
 All Resident of At and Post Mouje Vadgaon,)
 Tal. Hatkanangale, Dist. Kolhapur,)
 (Orig. Claimants)

5. Shri. Sandip Kisan Waringe,)
 Age about 41 years, Occ. Agriculture,)
 R/o. Warangwadi, Post. Aambi,)
 Tal. Maval, Dist. Pune.)
 (Motor Volvo/Bus No. MH-04-FK-1530)
 (Opp. Party No.1)

6. Shri Dhanaji Dinkar Ghorpade,)
 Age about 45 years, Occ. Driver,)
 R/o Kharabwadi, Tal. Khed, Dist. Pune)....Respondents
 (Opp. Party No.3)

 Mrs. Poonam Mital for the Appellant.
 Mr. Jayant Bardeskar for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

JUDGMENT :

1. The issue involved in this appeal is deduction of the amount for personal expenses.

2. It is contention of learned counsel for the Appellant that the Tribunal has deducted 1/4th amount for personal expenses. It should

Judgment is corrected as per order dated 23 February, 2023.

2/4

be $1/3^{\text{rd}}$ amount. Hence, requested to allow the appeal.

3. The learned counsel for the Respondents/Claimants submits that the Respondents agrees for it deduction of $1/3^{\text{rd}}$ amount for personal expenses.

4. I have heard both learned counsel.

5. The Motor Accident Claims Tribunal, Kolhapur, has awarded compensation of Rs. 78,49,750/-. The tribunal has deducted $1/4^{\text{th}}$ amount for personal expenses, as per contention of learned counsel for the Appellant $1/3^{\text{rd}}$ amount be deducted for personal expenses, then this amount comes to Rs. 69,58,662/-. Both the parties are agreed on this amount. Hence, I pass following order.

ORDER

- i. Appeal is allowed.
- ii. The Claimants are entitled for Rs.69,58,662/-, at the rate of 7% interest from filing the Claim Petition till realization of the amount. The Registry is directed to transfer the said amount along with interest to the Motor Accident Claims Tribunal, Kolhapur.
- iii. The Claimants are permitted to withdraw the transferred

amount along with accrued interest thereon from the Motor Accident Claims Tribunal, Kolhapur.

- iv. The Appellant's is permitted to withdraw excess amount along with accrued interest thereon.
 - v. The statutory amount be transmitted to the Tribunal, the parties are at liberty to withdraw the amount along with accrued interest thereon as per rule.
 - vi. The appeal is disposed of.
6. All Civil Applications, if any, disposed of.

(S. G. DIGE, J.)