

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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FIRST APPEAL NO. 957 OF 2022

M/s Reliance General Insurance Co. Ltd.)
 505, 5th Floor, Devrath Premises)
 Sector 17, Near Vashi Plaza)
 Navi Mumbai-400703) ...Appellant

Versus

1. Mr. Tukaram Vithal Kulthe,)
 Age: 63 Yeas, Occu: Nil,)
2. Mrs. Sunita Tukaram Kulthe,)
 Age-53 Years, Occu-Household,)
 R/o. Sudarshan Apartment, Plot No.)
 RM89, G Block, MIDC, Chinchwad,)
 Pune - 19.)....Ori. Applicants
3. M/s. Kunal Logistics)
 The Manager)
 Age: Adult)
 Having It's Office at Plot No. 860)
 Steel Market Kalamboli)
 Tal-Panvel, Dist. Raigad)
 PIN-410218) ...Respondents

Ms. Shalini Shankar for the Appellant.
 Mr. B. G. Ligade for the Respondents.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

JUDGMENT :

1. The issue involved in this appeal is deduction of amount for personal expenses.
2. It is contention of learned counsel for the appellant that deceased was bachelor. The Tribunal has deducted 1/3rd amount for personal expenses, it should be 1/2. Hence, requested to allow the appeal.
3. The learned counsel for the respondent/claimants submit that appropriate order be passed.
4. I have heard both learned counsel.
5. Admittedly, at the time of accident deceased was bachelor. Hence, amount for personal deduction should be 1/2 but tribunal has deducted 1/3. The tribunal has awarded compensation of Rs. 58,95,690/-, after deducting 1/2 amount for personal expenses, the amount comes to Rs. 44,30,851/-. The claimants are entitled for this amount. If this amount deducts form Rs. 58,95,690/- it comes to Rs. 14,64,839/- it is excess amount and the appellant are entitled for it.

6. In view of above, I pass following order.

ORDER

- i. Appeal is partly allowed.
- ii. The claimant are entitled for amount Rs. 44,30,851/- along with accrued interest at the rate of interest 7% per annum from the date of filing petition till its realization of the amount.
- iii. The appellant is permitted to withdraw the amount of Rs. Rs. 14,64,839/- along with accrued interest thereon. Application disposed of.
- iv. The appeal disposed of.

7. All pending applications stands disposed of.

(S. G. DIGE, J.)