

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1452 OF 2011

- 1.Smt. Anita Dinesh Shedge, }
 Age about 33 years, }
 Occupation: Household, Widow of the }
 deceased. }
- 2.Miss. Ruchita Dinesh Shedge, }
 Age about 12 years, }
 Occupation: Student, daughter of the }
 deceased. }
- 3.Miss. Shruti Dinesh Shedge, }
 Age about 9 years, daughter of the }
 deceased. }
- 4.Miss. Sharwari Dinesh Shedge, }
 Age about 5 years, daughter of the }
 deceased. }
- 5.Shri Bhalchandra Ramchandra Shedge }
 Age about 62 years, Occupation: Nil, }
 father of the deceased. }
- 6.Smt. Laxmi Bhalchandra Shedge, }
 Age 56 years, }
 Occupation: Household, Mother of }
 deceased. }
- All appellants are residing at Gajanan Darshan }
 Society, E-3/1:3, Sector-7, Sanpada, Navi }
 Mumbai, Dist. Thane. }
- Applicant No.2 to 4 are minors therefore, }
 claiming through their natural guardian, mother, }
 applicant No.1. }

....Appellants

Versus

- | | | |
|--|---|----------------|
| 1. Navi Mumbai Municipal Transport, | } | |
| undertaking, through its Transport | } | |
| Manager at Turbhe Depot, Navi | } | |
| Mumbai, Dist Thane, Maharashtra 400 | } | |
| 613. | } | |
| | } | |
| 2.The New India Assurance Company Ltd | } | |
| Through its Divisional Manager, | } | |
| having their office, (Previous address | } | |
| at Gokhale Road, Naupada, Thane West. | } | |
| (Insurer of Motor Bus No. MH-44-H-5039). | } | ...Respondents |

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Mrs. Rina Kunde, Advocate for the Appellants.

Mr. Sandesh Deshpand, Advocate for the Respondent No.1.

Ms. Poonam Mital for Respondent No.2.

...

CORAM : S. G. DIGE, J.**DATE : 20TH FEBRUARY, 2023.****JUDGMENT :**

1. By way of this appeal, appellants are seeking enhancement of compensation.

2. It is contention of the learned counsel for appellants that the Tribunal has awarded meagre amount under the conventional heads. There are 6 claimants but consortium amount is awarded on lower side. Hence, requested to allow the appeal. She relied on

**Magma General Insurance Co. Ltd vs Nanu Ram Alias
Chuhru Ram¹**

3. Learned counsel for Respondent No.2 submits that the Tribunal has calculated the compensation. The Tribunal has considered all the aspects and on that basis, compensation is awarded which is proper. Hence, no interference is required in it.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims, Tribunal (for short "The Tribunal").

5. The Tribunal has awarded amount of Rs. 12,000/- under conventional heads. As per the view of Hon'ble Apex Court in the case of **Magma General Insurance Co. Ltd vs Nanu Ram Alias Chuhru Ram²** each claimant is entitled for Rs. 44,000/- at 10% increase as consortium amount and Rs.16,500 with 10% increase for funeral expenses and loss of estate. There are 6 claimants. If Rs. 44,000/- multiplied with 6, it comes to Rs. 2,64,000 and Rs. 16,500/- considering the loss of estate and Rs. 16,500/- loss of funeral expenses, the total comes to Rs. 2,97,000/-. The Tribunal has awarded amount of Rs. 2,000/- for funeral expenses, 5,000/- for loss of love and affection and 5,000/-

1 (2018) 18 SCC 120

2 (2018) 18 SCC 120

consortium to widow, it comes to Rs. 12,000/-. If this amount is deducted from 2,97,000/-, it comes to Rs. 2,85,000/-. The claimants are entitled for this amount and I pass the following order.

ORDER

- I. Appeal is allowed.
- ii. The appellants-claimants are entitled for enhanced amount of Rs. 2,85,000 @ 7.5% interest per annum from 2nd May 2011.
- iii. The Respondent No. 2 is directed to deposit the enhanced amount within six weeks after receipt of the order along with accrued interest thereon.
- iv. The claimants are permitted to withdraw the amount along with accrued interest thereon.

(S. G. DIGE, J.)