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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 137 OF 2005

1. ~~Shri Ramchandra Sidraya Ajamane.~~ (deleted vide order dated 14th February 2023)
~~Age 57 years, Occu: Nil.~~

2. Sou. Rukmini Ramchandra Ajamane
Age 52 years, Occu. Household.
Both R/o. Kakanagar, Karnal Road,
Tal. Miraj, District-Sangli.

....Appellant
(Ori. Petitioners.)

Versus

1. Shri Sunil Vishnu Patil
Age 26 years, Occu. Agriculture.

2. Shri Anil Vishnu Patil.
Age Major, Occu. Agriculture.
Both R/o. Karnal, Tal. Miraj,
Dist - Sangli.

3. United India Insurance Co. Ltd.,
901, Shinde Building, Shivaji Road,
Near Water Tank, Miraj.

....Respondents
(Ori. Opponents)

Mr. Tejpal Ingale for the Appellant.
Mr. Nagesh Chavan for the Respondent Nos. 1 & 2.
Mrs. Urmila Sanil for the Respondent No.3.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

JUDGMENT:

1. The Appellant/original claimants have filed this appeal for enhancement of compensation.

2. It is contention of learned counsel for the Appellant that the Tribunal has not applied proper multiplier. The deceased was 17 years old, multiplier of parents of deceased was applied, while calculating compensation, which is not proper, the Tribunal has considered monthly income of deceased on lower side. The Tribunal has not awarded future prospects and consortium amount. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the Respondents that deceased was 10th standard student. No evidence was produced on record to prove the income of deceased. On the basis of evidence produced on record, the Tribunal has considered the income of deceased, which is proper and, on that basis compensation is awarded which is proper. The order passed by the Tribunal is legal and valid.

4. I have heard both learned counsel, perused judgment and order passed by the Tribunal.

5. In respect of income of deceased, the Tribunal has considered monthly income of deceased at Rs. 2000/- per month. The Respondents have not disputed this amount and no appeal is preferred against the order passed by the Tribunal. As the deceased was studying in 10th standard, the income of Rs.2,000/- considered by the Tribunal is proper and I do not find any infirmity in it. The Tribunal has applied the multiplier of 12 on the basis of age of parents of deceased. As per the view of Hon'ble Apex Court in the case of **Amrut Bhanushali & Ors. vs. National Insurance Co. & Ors. (2012) 11 SCC 738**, at the time of calculation, the multiplier should be of the age of deceased. The deceased was around eighteen (18) years old, so proper multiplier is eighteen (18). Hence, I am considering the multiplier of eighteen (18). The Tribunal has not awarded consortium amount. As per the view of Hon'ble Apex Court in the case of **Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)**, each claimant is entitled for consortium amount of Rs. 40,000/-. There are two claimants.

6. In view of above calculation, the claimants are entitled for following compensation.

- The Notional Income of deceased Rs.2,000/- per month.
- Personal deduction 1/2 (deceased being bachelor at the time of accident) = Rs. 1000/- p.m.
- future prospect increase by 40% of the income = Rs. 400.
- Total income Rs. 1000+Rs. 400=Rs. 1400/- p.m.
- Yearly income Rs. 1,400 X 12 = Rs. 16,800/- per year.
- Multiplier '18' X 16,800 = Rs. 3,02,400/-.
- Consortium =Rs. 44,000 X 2= Rs. 88,000/-
- Consortium for funeral expenses and loss of estate
= Rs. 16,500 X 2= Rs. 33,000/-
- Total Rs. 4,23,400/-.

7. The total of compensation which comes to Rs. 4,23,400/-. The Tribunal has awarded Rs. 85,000/-, if it deducted from the compensation awarded by this Court, it comes to Rs. 3,38,400/-. The claimants are entitled for this amount.

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

ORDER

- i. Appeal is allowed.
 - ii. The claimants are entitled for enhanced amount of Rs. 3,38,400/- @ of 7.5% per annum from filing the claim petition date: 27/12/2002 till realization of the amount.
 - iii. The Respondents are directed to deposit enhanced amount along with accrued interest thereon, within six weeks after receipt of the order before the Tribunal.
 - iv. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
 - v. The appeal stands disposed of.
9. All pending Application disposed of.

(S. G. DIGE, J.)