



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

58 FIRST APPEAL NO. 1103 OF 2010

The Branch Manager, New India Assurance Co. Ltd

VERSUS

Alka Ganesh Mankar And Ors

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Advocate for Appellant : Mr. M. M. Ambhore

Advocate for Respondent 1 : Mr. A.E. Madne h/f. Mr. A.B. Kale

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 20, 2024

PER COURT :-

1. By the present first appeal, the Insurance Company challenges the judgment and award dated 17.11.2006 passed by the Motor Accident Claims Tribunal, Jalgaon in M.A.C.P. No. 436/2002, thereby granted compensation to the claimants of Rs.2,29,500/- with costs and interest at the rate of 9% p.a. from the date of claim petition till it's realization.
2. The appeal is filed on the ground that the driver of the insured vehicle was not holding the valid driving licence at the time of accident and on quantum of compensation.
3. It is the contention of the Insurance Company that the deceased was only 12 years old at the relevant time and that no compensation ought to have been awarded to the parents. The learned counsel for the Insurance Company submitted that the amount of compensation granted to the parents was excessive and was on higher side.
4. Considering the facts situation of the present case, I hold that the compensation of Rs. 2,29,500/- cannot be said to be excessive compensation. The entire amount deposited in this Court was also

withdrawn. However, looking in to the order, the Tribunal has held that there is collusion between the two vehicles and the Tribunal has taken notional income of Rs.15,000/- per year and multiplied it by 15 and has granted compensation of Rs.2,29,500/-. The learned counsel for the Insurance Company while arguing the case is not able to show that the multiplier of 15 applied by the Tribunal is erroneous. I do not see that it is exorbitant or any error is committed in the order passed by the Tribunal.

5. In the result, the appeal is dismissed.

6. The balance amount, if any, along with the accrued interest thereon is permitted to be withdrawn by the claimants subject to usual undertaking to be filed to the satisfaction of the Registrar Judicial of this Court.

(ARUN R. PEDNEKER, J.)

ssc/