

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2259 OF 2023
IN
FIRST APPEAL NO.931 OF 2022

Rekha Sachin Salunkhe & Ors. Applicants

V/s.

The New India Assurance Co. Ltd., Satara Respondents
Branch, Thr. The Manger & Ors.

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Mr.Pritesh K. Bohade, for the Applicant and for the Respondent
Nos.1 to 5 in FA.

Ms.Karishma Jhaveri i/b Navdeep Vora and Associates, for the
Appellant in FA.

CORAM : ARUN R. PEDNEKER, J.

DATE : 28th JUNE 2024

P.C:-

. The present Appeal filed by the Insurance Company
on the ground of the quantum and negligence.

2. Brief facts of the case are as under:-

The deceased succumbed to the injuries while he was
driving motorcycle and hit by a Scorpio car bearing No.MH-06-
BE-6019. In terms of the judgment of the Tribunal the deceased
was serving as Assistant H.R. and Administrative Wing of ACG

Pharma Technologies Pvt. Ltd. and he was serving for seven years before the accident and at that time he was earning salary of Rs.66,225/- per month. Evidence with regard to the salary slip and bank statement produced before the Tribunal. The Tribunal has held that the driver of the Scorpio was entirely responsible for the accident and has granted a total compensation of Rs.57,36,480/- of the Claimant wife, two children and the parents of the deceased.

3. The Appeal is filed against the order of the Tribunal dated 3rd April 2021. The Applicant were also permitted to withdraw 25% amount by this Court and the matter is kept for further hearing.

4. The Tribunal has taken into consideration the monthly income of the driver at Rs.31,555/- plus Rs.3,100/- allowances and granted compensation of Rs.57,36,480/- to the Claimants. Perusal of the judgment indicates that the salary slips along with bank statement were produced before the Tribunal and it cannot be *prima facie* said that the compensation granted is excessive and even if reductions are made the same would not be

substantial. In view of the same, the Applicant (excluding minor son) are permitted to withdraw 50% amount (including the 25% earlier amount permitted to be withdrawn by this Court) as directed by the Tribunal along with accrued interest thereon in the proportion granted by the Tribunal to the Applicant's wife, son-Davesh and parents of the deceased are permitted to withdraw 50% as the son Davesh has attend majority. The share of the minor son be kept in the nationalized bank as directed by the Tribunal.

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5. Appeal is admitted. On admission Mr.Pritesh Bohade, waives notice on admission for Respondent Nos.1 to 5.
6. Call Record and Proceedings.

(ARUN R. PEDNEKER, J.)