

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 355 OF 2020

1	Lata Shahaji Jagtap Age 41 years, Occ. - Household.		
2	Sanjit Shahaji Jagtap, Age 22 years, Occ.-Education.		
3	Sujit Shahaji Jagtap, Age 20 years, Occ.-Education, All r/o. Village Ajansond, Tal-Pandharpur, District – Solapur	...	Appellants
	Versus		
1	Rajendra Laxman Jagtap, (Since deceased through legal heirs)		
1(a)	Anjana Rajendra Jagtap, Age -54 years, Occ.-Housewife, R/o. - Jagtap Wasti, Malshiras, Solapur, Maharashtra – 413 107.		
1(b)	Swapnali Ruturaj Dhumal Age – 34 years, Occ-Housewife, R/o. - Dhumal Wasti, Waladgaon, Belapur, Ahmadnagar, Shrirampur, Maharashtra – 413 715.		
1(c)	Ranjit Rajendra Jagtap Age – 32 years, Occ. -Police R/o.Ghadage Galli, Malshiras, Solapur, Malshiras, Maharashtra – 413107.		
2.	United India Insurance Company, Branch Manager, Pandharpur Branch, Bank of Baroda Building, Station Road, Panharpur	...	Respondents

Mr. Sandeep S. Salunkhe, Advocate for the Appellant.
 Mr. Dinesh Bhosle, Advocate for Respondent No.1.
 Mr. Amol Gatne, Advocate for the Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st MARCH, 2024.

Oral Judgment :

1. The issues involved in this appeal are awarding of interest, application of wrong multiplier and consortium amount is awarded on lower side.
2. It is contention of learned counsel for the appellant that the Tribunal has awarded interest on compensation amount from the date of passing the judgment and order, it should be from filing of the claim petition. Learned counsel further submitted that the Tribunal has applied multiplier of 13, it should be 14 and consortium amount is awarded only to one claimant. There are four claimants. Hence, requested to allow the appeal.
3. It is contention of learned counsel for respondent No.2- Insurance Company that it is the discretion of the Tribunal, from which date, interest should be awarded. The Tribunal has passed reasoned order. Hence, no interference is required in it.
4. Learned counsel for the respondent No.1-owner of the vehicle submitted that appropriate order be passed.
5. I have heard both learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Solapur (for short

“the Tribunal”).

6. While passing the judgment and order, the Tribunal has awarded interest on compensation amount from the date of passing the judgment and order, it is erroneous. It is settled principle of law that the claimants are entitled for interest on compensation amount from the date of filing claim petition.

It is the contention of learned counsel for the appellant, that the Tribunal has applied multiplier of 13. At the time of the accident, the deceased was 45 year old, so the proper multiplier is 14. Hence, I am considering multiplier of 14.

The Tribunal has awarded consortium amount to claimant No.1 only. There are four claimants. As per the view of Hon'ble Apex Court in **Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)**, each claimant is entitled for Rs.48000/- as consortium amount. The total comes to Rs. 1,44,000/-.

In view of above, the claimants are entitled for following compensation :

Particulars	Rs.	Amount
Annual Income of the deceased (Rs.8000/- pm x 12)	Rs.	96000.00
25% future prospects	Rs.	24000.00
Total	Rs.	120000.00
1/4th deductions towards personal expenses	Rs.	30000.00
Rs.90000/- x 14(multiplier)	Rs.	1260000.00
Consortium (Rs.40,000/- + Rs.48000/- x 3 claimants)	Rs.	144000.00
Loss of Estate	Rs.	15000.00

Funeral Expenses	Rs.	15000.00
Medical expenses	Rs	108426.00
Ambulance charges	Rs.	2000.00
Total Compensation.		1544426.00

The Tribunal has awarded Rs.13,50,426/-, if this amount is deducted from the amount of Rs.15,44,426/- considered by this Court, it comes to Rs.1,94,000/-. The claimants are entitled for this amount.

7. Learned counsel for respondent No.2 pointed out that, during the pendency of the appeal, the owner of the vehicle died but his legal heirs were not taken on record before the Tribunal.

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

O R D E R

1. The appeal is allowed.
2. The claimants are entitled for interest on compensation amount as fixed by the Tribunal from the date of filing claim petition till realisation of the amount.
3. The claimants are entitled for an enhanced amount of Rs.1,94,000/- @ 7.5% from the date of filing petition till realisation of the amount. Out of the said amount, Rs.1,44,000/- is for consortium, on this amount, the claimants are entitled for interest @ 7.5% per annum from 1st November 2017 till realisation of the amount.

3. Respondent No.2-Insurance Company is directed to deposit the enhanced amount along with accrued interest thereon within six weeks from the receipt of this order.
4. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
9. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)