

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**FIRST APPEAL NO. 1275 OF 2022**

|   |                                                                                                                                                          |                  |             |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|
| 1 | Rizwan Isaq Maniyar<br>Age 30 years, Occ. Business<br>R/o. Ganesh Nagar, Indraprasth, Kudal,<br>Tal. Kudal, District Sindhudurg                          | )<br>)<br>)<br>) |             |
| 2 | Irfan Isaq Maniyar<br>Age 26 years, Occ. NIL<br>R/o. Ganesh Nagar, Indraprasth, Kudal,<br>Tal. Kudal, District Sindhudurg                                | )<br>)           |             |
| 3 | Altaf Isaq Maniyar<br>Age 21 years, Occ. Education,<br>R/o. Ganesh Nagar, Indraprasth, Kudal,<br>Tal. Kudal, District Sindhudurg                         | )<br>)           |             |
| 4 | Juber Isaq Maniyar<br>Age 19 years, Occ. Education,<br>R/o. Ganesh Nagar, Indraprasth, Kudal,<br>Tal. Kudal, District Sindhudurg                         | )<br>)<br>)      | Appellants  |
|   | versus                                                                                                                                                   |                  |             |
| 1 | Kasam Harun Patankar<br>Age : 51 years, Occ. Service in S.T. (Driver)<br>At & Post : Nandgaon, Khalachi Muslimwadi,<br>Tal. Kankavali, Dist : Sindhudurg | )<br>)<br>)<br>) |             |
| 2 | Maharashtra State Road Transport Corp.<br>Division Office, Kankavali                                                                                     | )<br>)           |             |
| 3 | The Internal Insurance Fund Mumbai<br>Through Divisional Controller, Div. Office,<br>Kankavali, Dist : Sindhudurg                                        | )<br>)<br>)      | Respondents |

Mr. Hemant Ghadigaonkar, Advocate for the Appellants.

Mr. Yashodeep Deshmukh, Advocate for Respondent Nos. 2 and 3.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 9<sup>th</sup> MAY, 2024.**

**SHUBHADA  
SHANKAR  
KADAM**

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**Oral Judgment :**

1. This appeal is preferred by the appellants/claimants for enhancement of compensation.
2. It is contention of learned counsel for the appellants/claimants that the deceased was housewife. The Tribunal has considered the notional monthly income of the deceased at Rs.3,000/- per month but has not awarded future prospects, it be awarded.
3. It is contention of learned counsel for respondent Nos.2 and 3 that the Tribunal has considered all the aspects while passing the judgment and order. Learned counsel further submitted that the Tribunal has passed well reasoned order and compensation is awarded as per II Schedule of Motor Vehicles Act, no interference is required in it.
4. I have heard both learned counsel, perused the judgment and order dated 30<sup>th</sup> April 2014 passed by Motor Accident Claims Tribunal, Sindhudurg at Oras (for short "the Sindhudurg") in M.A.C.P.No. 45 of 2013.
5. It is claimants' case that the deceased was housewife and she was getting Rs.3,000/- per month. The Tribunal has considered monthly income of the deceased at Rs.3000/- but the Tribunal has not awarded future prospects. As per the view of Hon'ble Apex Court in the case of **National Insurance Co. Ltd. vs. Pranay Sethi , 2017 ACJ 2700( SC) ,** the claimants are entitled for 10% future prospects.

5.1. The Tribunal has awarded consortium amount on lower side. 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, Rs.18,000/- for loss of estate and Rs.18000/- for funeral expenses.

5.2 Considering the above calculations, the claimants are entitled for following compensation :

| Particulars                                    | Rs. | Amount             |
|------------------------------------------------|-----|--------------------|
| Annual Income of the deceased (Rs.3000/- x 12) | Rs. | 36,000.00          |
| 10% Future prospects                           | Rs. | 3,600.00           |
| Total                                          | Rs. | 39,600.00          |
| 1/3rd deductions towards personal expenses     | Rs. | 13,200.00          |
| TOTAL                                          | Rs. | 26,400.00          |
| Rs.26,400/- x 11 (multiplier)                  | Rs. | 2,90,400.00        |
| Consortium (Rs.48000/- x 4 claimants)          | Rs. | 1,92,000.00        |
| Loss of Estate                                 | Rs. | 18,000.00          |
| Funeral Expenses                               | Rs. | 18,000.00          |
| <b>Total Compensation.</b>                     | Rs. | <b>5,18,400.00</b> |

The Tribunal has awarded Rs.2,73,500/-, if this amount is deducted from the amount of Rs.5,18,400/- considered by this Court, it comes to Rs.2,44,900/-. The claimants are entitled for this amount.

6. In view of above, I pass the following order :

### O R D E R

1. The appeal is allowed.

2. The claimants are entitled for enhanced compensation of Rs. 2,44,900/- @ 6 % interest per annum from the date of filing claim petition till realisation of the amount. Out of this amount, Rs.2,28,000/- is consortium amount, the claimants are entitled for 6% interest per annum on this amount from 1<sup>st</sup> November 2017 till realisation of the amount.
3. Respondent No.2-Corporation shall deposit the enhanced amount along with accrued interest thereon within eight weeks from the receipt of this order.
4. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
5. The claimants shall pay deficit court fees on enhanced amount as per Rules.
7. Pending applications, if any, stand disposed of.

**(SHIVKUMAR DIGE, J.)**