

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.627 OF 2002

1	Niyamatbi wd/o. Abdul Sattar	)	
2	Rooksana Abdul Sattar	)	
3	Varis Abdul Sattar (Minor)	)	
4	Ebrahim Abdul Sattar (Minor)	)	
5	Smt. Ramizabi Abdul Sattar	)	
6	Yakub Abdul Sattar	)	
7	Ayub Abdul Sattar (Minor)	)	
8	Yusuf Abdul Sattar (Minor)	)	
9	Farzana Abdul Sattar (Minor)	)	
10	Smt. Aminabi wd/o. Abdul Sattar	)	
11	Yunus Abdul Sattar (Minor)	)	
12	Yasin Abdul Sattar (Minor)	)	
13	Zaida Abdul Sattar (Minor)	)	
	All are adults, residing at Zangali Pir Darga,	)	Applicants
	Ghar No.1, Worli Hill Top, Bombay-400018	)	(Orig. Applicants)
Versus			
1	Superintendent,	)	
	Parsi Ambulance Division, M.G.Road,	)	
	Wellington Bldg. No.1, Bombay -400001	)	
2	Oriental Fire & Gen. Insurance Co. Ltd.	)	Respondents
	Empire House, Fort, Bombay-1.	)	(Orig.Opponents)

Mr. T. J. Mendon, Advocate for the Appellants.

Ms. Poonam Mital, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JANUARY, 2024.

Oral Judgment :

1. The issue involved in this appeal is, consortium amount awarded on lower side.
2. It is contention of learned counsel for the appellant that the Tribunal has awarded consortium amount to claimant No.1 only. There are thirteen claimants, consortium amount be awarded to other claimants and funeral expenses and expenses for loss of estate be awarded.
3. Learned counsel for respondent No.2- Insurance Company submitted that Tribunal has passed judgment and award by considering all the aspects and no interference is required in it.
4. I have heard both learned counsel, perused the judgment and order passed by Motor Accident Claims Tribunal, Mumbai (for short "the Tribunal").
5. While awarding compensation, the Tribunal has awarded Rs.15,000/- for consortium, Rs.2000/- for funeral expenses and Rs.3000/- for loss of estate. 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. There are thirteen claimant, the total comes to Rs.6,60,000/-. If Rs.20,000/- awarded by the Tribunal is deducted from Rs.6,60,000/-, it comes to Rs.6,40,000/-. The appellants/claimants are entitled for this amount.

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

ORDER

1. The appeal is allowed.
 2. The appellants/claimants are entitled for consortium amount of Rs.6,40,000/- @ 7.5% interest per annum from 1st November 2017 till realisation of the amount.
 3. Respondent No.2/Insurance Company shall deposit the enhanced amount along with accrued interest thereon within six weeks from the receipt of this order.
 4. The appellants/claimants are permitted to withdraw the enhanced amount along with accrued interest thereon.
7. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)