

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 771 OF 2012

	Sunita Avdhoot Raskar Age : 29 years, Occu : Household, R/at : Kalyaninagar, Wadgaonsheri, Pune	...	Appellant
	versus		
1	Sanjay Shamrao Patil Age : Adult, Occu : S.T.Driver, R/at : 22, Ota Scheme, Ambedkar Wasahat, Indiranagar, Nigadi, Pune and also Watwate Taluka Mohol, District Solapur		
2	Maharashtra State Transport Corporation Shankarshet Road, Swargate, Pune		
3	Jagannath Biru Raskar, Age about 76 years, Occ : Retired, R/at : Kadegaon, Tal : Kadegaon, District :Sangli	...	Respondents

Mr. Siddarth R. Ronghe, Advocate for the Appellant.

Mr. Shrishailya Deshmukh along with Mr. Pravin Gole, Advocate for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th FEBRUARY, 2024.

Oral Judgment :

1. This appeal is preferred by wife of deceased against the apportionment of the compensation amount awarded.

2. It is contention of learned counsel for the appellant that appellant is the wife of the deceased. While passing the order, the Tribunal has held that appellant and respondent No.3/father-in-law of the

appellant, are entitled to get total compensation amount, which is erroneous. Learned counsel further submitted that the Tribunal has directed to divide the composition amount between the appellant and respondent no.3/father-in-law, which is erroneous. Learned counsel further submitted that the appellant is ready to give 30% amount, out of total compensation amount, to respondent No.3 if respondent No.3 is ready for it.

3. Learned counsel for respondent No.3, on instructions, submitted that respondent No.3 is ready to accept 30% amount along with accrued interest thereon out of the total compensation amount.

4. I have heard both learned counsel. As the appellant is ready to give 30% amount, out of the total compensation amount along with accrued interest thereon to respondent No.3/father-in-law, and respondent No.3 is ready to accept the said amount, I pass following order:

O R D E R

1. The appeal is allowed.
2. The judgment and order passed by Motor Accident Claims Tribunal, Pune, is modified as under :

“The appellant, wife of the deceased, is entitled to receive 70% amount along with accrued interest thereon, out of the total compensation amount awarded by the Tribunal and respondent No.3/father-in-law of the appellant, is entitled to receive 30% amount along with accrued

interest thereon, out of the compensation amount awarded by the Tribunal.”

The appeal stands disposed of.

5. Pending applications, if any stands disposed of.

(SHIVKUMAR DIGE, J.)