

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO. 1470 OF 2013

1. Shri. Prakash Makarand Chopade
Age- 49 years, Occ-Service

2. Sou. Rekha Prakash Chopade
Age- 41 years, Occ-Household work
Both resident of Kodoli, Taluka-Panhala, Dist-
Kolhapur

....Appellants

Versus

1. The Secretary,
Maharashtra State Road Transport Corporation
(summons may be served to the Depot Manager,
Central S.T. Styand, Kolhapur.

2. The Internal Insurance Fund
Wahatuk Bhavan, Mumbai (summons may be
served to the Depot Manager, Central S.T. Styand,
Kolhapur.

... Respondents.

Mr. Jayant J. Bardeskar, Advocate for the Appellant.
Mr. Yashodeep Deshmukh a/w Adv Vaidehi Pradeep a/w Mr. Amey
Tawde, Advocate for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th FEBRUARY, 2024.

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ORAL JUDGMENT. :

1. By this appeal the Appellant/Claimants are seeking enhancement of compensation amount.
2. It is contention of learned Counsel for the Appellant/Claimants that the Tribunal has considered monthly income of the deceased at Rs. 3,000/-, which is on lower side. The deceased was (Draftsman Mechanical) and he was earning Rs. 6,000/- p.m. Learned Counsel further submitted that the Tribunal has applied multiplier of 17, it should be 18. Learned Counsel further submitted that the Tribunal has awarded consortium amount on lower side, it be awarded.
3. It is contention of learned Counsel for the Respondent/Corporation that while passing an Order, the Tribunal has considered all the aspects, no interference is required in it.
4. I have heard both learned Counsels, perused the Judgment and order passed by the Motor Accident Claims Tribunal, Kolhapur, (for short "the Tribunal").
5. To prove the income of the deceased, no evidence was produced on record by the Claimants. While dealing with the issue of income, the Tribunal has observed that the deceased was (Mechanical

Draftsman) and he was skilled labour and considering documentary evidence on record, the Tribunal has considered notional income of the deceased at Rs. 3,000/- p.m. In my view, as the deceased was skilled worker, and he had completed course of Mechanical Draftsman. Hence, I am considering his monthly income at Rs. 4,000/- p.m. The Tribunal has applied multiplier of 17, the deceased was 24 years old, the proper multiplier is 18. The Tribunal has awarded consortium amount on lower side. As per the view of Hon'ble Apex Court in the case of *Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)*, each claimant is entitled for Rs. 48,000/- as consortium amount and Rs. 18,000/- for funeral expenses and Rs. 18,000/- for loss of estate.

Considering above calculations, the Claimants are entitled for following compensation.

Monthly Income	Rs.4,000/-
Yearly Income Rs.4,000/- X 12	Rs.48,000/-
Future prospects 40%	Rs. 19,200/-
Total	Rs. 67,200/-
50% deduction	Rs. 33,600/-
Multiplier of 18 (age 24) 33600x18= 6,04,800/-	Rs.6,04,800/-

Consortium amount 48000x2	Rs. 96,000/-
Funeral expenses	Rs. 18,000/-
Loss of Estate	Rs. 18,000/-
Total	Rs. 7,30,800/-
Granted by the Tribunal	Rs. 3,19,000/-
Enhanced amount with 7.5% interest p.a.	Rs. 4,11,800/-

6. In view of above, I pass following Order.

ORDER

- a) The Appeal is allowed.
- b) The Claimants are entitled for enhanced amount of Rs. 4,11,800/- @ 7.5 interest per annum from the date of filing Claim Petition, till the realisation of the amount, out of this amount the consortium amount is Rs.1,32,000/-. The claimants are entitled @ 7.5 % interest on this amount from 1st November, 2017, till realisation of the amount.
- c) The Respondent/Corporation shall deposit the enhanced amount along with accrued interest thereon, within eight weeks after receipt of the order.
- d) The Claimants are permitted to withdraw the

deposited amount along with accrued interest thereon.

7. All pending applications, if any, stand disposed off.

(SHIVKUMAR DIGE, J.)