

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2449 OF 2006

M/s. The New India Assurance Co. Ltd.,
Miraj and Islampur

... Appellant

Versus

- 1 Smt. Malan Punwant Solwande
Age 40, Occu-Household work
- 2 Rajendra Punwant Solwande
Age 18, Occu. Nil.
- 3 Ganpati Mura Solwande
Age 65, Occu-Nil.
- 4 Matabai Ganpati Solwande
Age 60, Occu - Nil
- 5 Ajit Punwant Solwande
Age 15, Occu-Education
Minor represented by his Guardian mother
Respondent No.1
- 6 Aradhana Punwant Solwande
Age 12, Occu-Education
Minor represented by his Guardian mother
Respondent No.1
- 7 Lingappa Ramchandra Mali
Age Major, Occu-Agriculture
Truck business, r/o. Narwad, Taluka Miraj, District
Sangli
- 8 Laxman Dnyanu Kadam
Age Major, Occu-Agriculture, resident of Kameri,
Taluka Walwa, Dist. Sangli

... Respondents

.....

Ms. Shalini Shankar i/b. Ms. Jyoti Bajpayee, Advocate for the Appellant.

Mr. Tejpal S. Ingle a/w. Ms. Priyanka Babar, Advocate for Respondent
Nos. 1 to 6.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th APRIL, 2024

ORAL JUDGMENT :

1. The issue involved in this appeal is application of wrong multiplier.
2. It is contention of learned counsel for the appellant/Insurance Company that at the time of accident deceased was 45 years old the proper multiplier is 14 but the Tribunal has considered multiplier of 15 which is erroneous. But this fact is not considered by the Tribunal, hence requested to allow the appeal.
3. Learned counsel for the respondent Nos. 1 to 6 submitted that while awarding compensation the Tribunal has considered all the aspects hence no interference is required in it.
4. I have heard both the learned counsel. Perused the Judgment and Order passed by the Motor Accident Claims Tribunal, Islampur (for short “**the Tribunal**”). Admittedly at the time of accident deceased was 45 year old the proper multiplier is 14 but while calculating compensation the Tribunal has awarded multiplier of 15 which is erroneous. Hence I am considering multiplier of 14. The Tribunal has awarded consortium 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, Rs.18,000/- for funeral expenses and Rs.18,000/- loss of estate.

5. Considering the above calculations, claimants are entitled for following compensation.

Particulars	Rs.	Entitlement
Monthly Income	Rs.	3,000.00
Annual Income X 12	Rs.	36,000.00
Multiplier Rs.36,000 X 14	Rs.	5,04,000.00
Consortium (Rs.48,000/- X 6 claimants)	Rs.	2,88,000.00
Funeral Expenses	Rs.	18,000.00
Loss of Estate	Rs.	18,000.00
Total	Rs.	8,28,000.00
Less compensation awarded by the Tribunal	Rs.	5,60,000.00
Total enhanced amount	Rs.	2,68,000.00

The claimants are entitled for enhanced amount of Rs.2,68,000/-.

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

ORDER

- i. The appeal is partly allowed.
- ii. The claimants are entitled for enhanced compensation of Rs. 2,68,000/- @7.5% interest from 1st November, 2007 till realisation of amount.
- iii. The Insurance Company shall deposit enhanced amount along with interest within six weeks.
- iv. The claimants are permitted to withdraw the

deposited amount along with accrued interest thereon.

v. Statutory amount along with accrued interest be transferred to the Tribunal. Parties are at liberty to withdraw it as per rule.

vi. The claimants shall pay the deficit Court fees on enhanced amount as per rule.

7. The appeal is disposed of. Pending applications, if any, disposed of.

(SHIVKUMAR DIGE, J.)

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