

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

FIRST APPEAL NO. 553 OF 2012

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1. Vishwas Manmohan Bobhate)

Age: about 54 years)

2. Ameya Vishwas Bobhate)

Aged about 25 years.)

3. Varun Vishwas Bobhate,)

Aged about 11 years,)

All residing at Prasanna Jivan Co-op.)

Hsg. Soc. Ltd., Babhi Naka.)

Borivali (West). Mumbai – 400092)

....Appellants

(Orig. Applicants)

Versus

Maharashtra State Road Transport)

Corporation.)

B. Y. L. Nair Marg, Mumbai Central)

Mumbai - 4000)

....Respondent

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

Ms. P. M. Bhansali i/b Mr. G. S. Hegde & Associates, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th FEBRUARY, 2024.

Oral Judgment. :

1. By way of this appeal, the Claimants are seeking enhancement of compensation.
2. It is contention of learned counsel for the Appellant that the Tribunal has considered annual income of the deceased at Rs.2,70,181/- but the Tribunal has not awarded future prospects on this amount. Learned counsel further submitted that the Tribunal has awarded consortium amount on lower side, it be awarded. Hence, requested to allow the Appeal.
3. It is contention of learned counsel for the Respondent/Corporation and while passing order the Tribunal has considered all the aspects, on that basis, the judgment and order is passed hence, no interference is required in it.
4. I have heard both learned counsel. Perused judgment and order passed by Motor Accident Claims Tribunal, Mumbai (for short "the Tribunal").
5. The Tribunal has considered annual income of the

deceased at Rs.2,70,181/- but the Tribunal has not awarded future prospects. As per 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 50% future prospects. The Tribunal has awarded consortium amount on lower side. As per view of Hon'ble Apex Court in the case of ***Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)***, the Claimant is entitled for Rs.48,000/- for consortium amount and Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses.

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

Annual Income	Rs.2,70,181/-
Add: 50% future prospects	Rs.1,35,090/-
Total amount	Rs.4,05,271/-
Less 1/3rd personal expenses	Rs.1,35,090/-
Total Income	Rs.2,70,181/-
Multiplier X 15 (Rs.2,70,181/- X 15)	Rs. 40,52,715/-
Consortium amount Rs.48,000/- X 3 (Claimants)	Rs.1,44,000/-
Funeral Expenses	Rs.18,000/-
Loss of estate	Rs.18,000/-
Total Compensation	Rs.42,32,715/-
Less awarded by the Tribunal	Rs.27,41,800/-
Enhanced amount	Rs.14,90,915/-

7. In view of above, I pass following order.

ORDER

- i. Appeal is allowed.
 - ii. The Claimants are entitled for enhanced amount of Rs.14,90,915/- @ 7.5% interest from the date of filing claim petition till realisation of the amount. Out of this amount Rs.1,80,000/- is consortium amount, the claimants are entitled @ 7.5% interest on this amount from 1st November, 2017 till realisation of the amount.
 - iii. The Respondent/Corporation shall deposit the enhanced amount along with accrued interest thereon.
 - iv. The Claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
8. All pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)