**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 182 OF 2025

1. Laxmi Anil Gumte,
   Age 53 years, Occ. Household.

2. Suraj Anil Gumte,
   Age 33 years, Occ.Labour,

3. Sandip Anil Gumte,
   Age 31 years, Occ. Labour,
   All R/o. Bhavani Chowk, Behind
   Akshata Mangala Karyalaya,
   Osmanabad.

4. Manabai Kisanrao Gumte (Died) .. APPELLANTS.
   (Orig. Claimants)

VERSUS

1. Anil Sopanrao Patil
   R/o. Mauli 122/2/5 B PL 21,,
   Krimurti Chowk, Godoli Naka,
   Satara 415 002.

2. The New India Assurance Company Ltd.,
   through the Branch Manager,
   the New India Assurance Company Ltd.,
   Near Ambedkar Statue,
   Osmanabad.

.. RESPONDENTS.
(Orig. Respondents.

Mr. P.D. Dadpe h/f. Ms. Sayali Samadhan Tekale,
Mr. Prasann Kutti, Advocate for respondent No.1.
Mr. P.P. Mandlik, Advocate for respondent No.2.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 15th APRIL, 2025.

JUDGMENT :-

1. Heard learned advocates for respective parties.

2. Appellants/original claimants approached this court seeking enhancement of compensation aggrieved by the judgment and award dated 14th October, 2024 passed by Motor Accidents Claim Tribunal, Dharashiv in Motor Accident Claim Petition No. 41 of 2017.

3. Undisputedly, deceased Anil Gumte, died in motor-vehicular accident dated 16.11.2016 involving Maruti Suzuki A-Star Car bearing registration No. MH-11 AW 3182, which was insured with respondent No.2 Insurance Company.

4. Appellants are original claimants. They were dependent upon the income of the deceased. Therefore, they instituted MACP No. 41 of 2017 seeking compensation of Rs. 29 Lakhs against owner and insurer of car contending that deceased Anil was a skilled worker and engaged in business of making idols. He was 48 years of age.

5. The Tribunal, after evaluation of evidence, found that there is no acceptable evidence as regards to income and engagement of deceased in the business of making idols. Accordingly, his notional income has been assumed @ 4,000/-p.m., considering his age as 55 years, multiplier was applied and compensation of Rs. 4,96,000/- alongwith interest @ 6% p.a. has been awarded.

6. Mr. Dadpe h/f. Ms. Tekale, learned advocate for appellant submits that the deceased was a skilled worker. His income could not have been considered less than Rs. 9,000/- p.m. He would further submit that Tribunal failed to add amount towards future prospects. Even compensation under non-pecuniary heads, has not been granted as approved by the Supreme Court in case of ***Sarala Verma and others vs.***

Delhi Transport Corporation and another reported in (2009)6 SCC 121 and lateron, in the case of ***National Insurance Co. Ltd. vs. Pranay Sethi and others reported in (2017)16 SCC 680***.

7. Mr. Mandlik, learned advocate for respondent Insurance Company supports the award contending that in absence of documentary or oral evidence, the Tribunal has rightly considered the notional income @ Rs.4,000/- p.m. and awarded just compensation.

8. Having considered submissions advanced, it can be observed that the accident in question occurred in the year 2014. Therefore even assuming minimum wages as applicable at the relevant time, learned Tribunal, ought to have considered notional income of deceased @ Rs. 6,000/- p.m. The age of deceased is found to be 55 years as per the admission given by the claimant, therefore, 10% amounts needs to be added by way of future prospects. There were 4 dependents on the income of deceased, hence, 1/4th amount is to be deducted towards personal and living expenses. Multiplier of 11 is applicable for the age group of 50 to 55 years. Further, each of claimants would be entitled for compensation of Rs. 40,000/-each, towards loss of consortium. Apart from that, claimants are entitled for Rs. 15,000/- towards loss of estate and Rs. 15,000/- towards funeral expenses. In result, compensation amount has to be re-determined as shown in tabular format shown below :-

Sr.No.	Particulars	Amount
1.	Notional income Rs. 6,000/-p.m. As such, Annual Income Rs. 72,000/- Add 10% towards future prospects. Rs. 72,000 + Rs. 7,200/- = Rs.79,200/- Deduct 1/4th amount towards personal and living expenses Rs. 79,200 – 19,800 = 59,400/-	 Rs. 72,000/- Rs. 79,200/- Rs.59,400/-

	Apply multiplier of 11 Rs. 59,400 x 11 = 6,53,400/- Add Loss of Consortium Add Funeral Expenses Add towards Loss of Estate	 Rs. 6,53,400/- Rs. 1,60,000/- Rs. 15,000/- Rs. 15,000/-
	Total compensation payable	Rs. 8,43,400/-

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9. Hence, the following order :-

ORDER

[i] The first appeal is partly allowed;

[ii] Respondent Nos. 1 and 2 are jointly and severally liable to pay compensation of Rs. 8,43,400 (Eight Lakh Forty Three Thousand four hundred) including NFL amount, if any, with interest @ 6% p.a. from the date of claim petition till actual realization.

[iii] Rest of the directions in the impugned award from clause Nos. 3 to 7 shall be mutatis mutandis apply to the modified award.

[iv] Compensation already paid/deposited, shall be appropriated.

[v] Appeal stands disposed of.

[S.G. CHAPALGAONKAR, J.]

grt/-