IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.509 OF 2009

1. Shri. Devidas S/o Manikrao Vaidya
Age-45 Years, Occ-Nil
R/o-Samata Colony, Waluj,
Tq-Gangapur, District-Aurangabad.

2. Shri. Sharad S/o Devidas Vaidya,
Age-23 Years, Occ-
R/o-Samata Colony, Waluj,
Tq-Gangapur, District-Aurangabad.

3. Shri. Sudhir S/o Devidas Vaidya,
Age-19 Years, Occ-Nil
R/o-Samata Colony, Waluj,
Tq-Gangapur, District-Aurangabad.

...APPELLANTS
(Orig. claimants)

VERSUS

1. Bhausaheb S/o Vishnu Khedkar
Age-Major, Occu- Owner of Truck
MH-04/H-7268
R/o- Ranjangaon Ganpati,
Tq-Shirur, District-Pune.

2. The Manager,
The New India Insurance Co. Ltd.
Adalat Road, Aurangabad.

...RESPONDENTS

…

Ms. Sarita P. Kakade, advocate h/f Shri B.B. Nimbalkar and Shri P.B. Kakade, advocates for the appellants.

Shri Dhananjay Deshpande, advocate for respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 08 December 2025

ORAL JUDGMENT :-

1. The appellants, through this appeal, are seeking enhancement of compensation by modifying the judgment and order dated 12.12.2008 passed by the learned District Judge-4, Aurangabad, in MACP No.127/2007. The order dated 12.12.2008 reads thus:-

> "1. Claim petition is partly allowed with proportionate costs.
>
> 2. Respondent nos.1 and 2 do pay jointly and severally a sum of Rs.1,95,000/- (Rs. One Lacs Ninety Five Thousand) to the claimants, inclusive of the amount receivable under the principle of 'No fault liability' with interest @ 7.5% p.a. from the date of filing of the claim petition till realization of the amount to the claimants.
>
> 3. The amount be paid to the claimants as per their proportionate shares.
>
> 4. The amount be paid to the claimants only after payment of deficit court fees, if any.
>
> 5. Award be drawn accordingly."

2. The deceased Lalita Vaidya was aged about 43 years at the time of death and she died on the spot. The present appellant No.1 is the husband and appellant Nos.2 and 3 are sons of the deceased. The deceased Lalita died while travelling in tempo bearing No.MH-16-B-5568. The said tempo was hit by one truck bearing No.MH-20-H-7268 owned by respondent No.1, which was driven by the driver in high speed in rash and negligent manner. In the very same accident, many people have sustained injuries and some have also reported to be dead.

3. The learned advocate for the appellants submitted that the learned Tribunal has erroneously considered monthly income of the deceased upto Rs.1500/- per month. According to the appellants, the deceased was doing tailoring work and earning Rs.4000/- per month. However, the appellants/ claimants have not filed any documentary evidence on record to show that the deceased was doing tailoring work. Therefore, the compensation needs to be enhanced. In support of submissions for enhancement of compensation, learned advocate has relied upon the judgments in ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others, (2018) 18***

SCC 130 and ***Rajendra Singh and others vs. National Insurance Company Limited, AIR 2020 SC 3144***.

4. The learned advocate for the contesting respondent No.2 supported the impugned judgment and submitted that after considering evidence on record, the Tribunal has rightly granted compensation. Therefore, the appeal be dismissed.

5. I have extensively heard the learned advocates for the respective parties. On perusal of the impugned order, it is evident that the learned Tribunal has considered monthly income of the deceased upto Rs.1500/- per month. However, the learned advocate for the appellants was right in placing reliance upon the judgment of the Hon’ble Supreme Court in ***Rajendra Singh (supra)*** wherein, the income of the deceased housewife was considered at the rate of Rs.5000/- per month and on the basis of the said income, the final compensation was assessed. In that case, the accident had taken place in the year 2012, whereas, in the case in hand, the deceased Lalita died on 16.12.2006. The Hon’ble Supreme Court in the aforesaid judgment has relied upon the judgment in ***Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218*** wherein, in paragraph

Nos.26 and 27 it was observed as under:-

> *"26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.*
>
> *27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount*

> *payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier."*

6. Therefore, in ***Rajendra Singh (supra)***, the notional income of the deceased was held to be Rs.5000/- per month at the time of death. Admittedly, in this case, the death has taken place in the year 2006. In view of the aforesaid discussion, monthly notional income of the deceased in this case shall be considered Rs.4000/- per month.

7. The Hon'ble Supreme Court in ***Sarla Verma and others vs. Delhi Transport Corporation*** **(2009) 6 SCC 121** has laid down the standardized method for selection of multiplier and deduction towards personal expenses, which has been consistently followed to ensure uniformity in awarding compensation. Further, in ***National Insurance Co. Ltd. vs. Pranay Sethi and others*** **(2017) 16 SCC 680**, the Hon'ble Supreme Court has reiterated that the Motor Accident Claims Tribunal as well as the appellate court are under an obligation to award 'just compensation' and that addition towards future prospects cannot

be denied merely for want of documentary evidence of income, particularly when the age of the deceased so warrants. In the light of these settled principles, the compensation awarded by the learned Tribunal warrants interference and modification.

8. In view of the above, the following assessment of the compensation is made:-

Particulars of compensation		**Amount In Rs.**
Income 4,000 X 12		48,000/- per annum
Future prospects 25%		12,000/-
Multiplier (48,000+12,000= 60,000 x 14)		14 (8,40,000/-)
Towards personal Expenses 1/3		2,80,000/-
Loss of Dependency		5,60,000/- (8,40,000 - 2,80,000)
Loss of Estate (amount of Rs.15,000 be increased by 10% every 3 year from 2017 till its realization)		18,150/-
Funeral Expenses (amount of Rs.15,000 be increased by 10% every 3 year from 2017 till its realization)		18,150/-
Loss of Consortium (amount of Rs.40,000 be increased by 10% every 3 year from 2017 till its realization)		1,45,200/- (48,400 x 3)
Total		**7,41,500/-**

9. The respondent Nos.1 and 2 are held jointly and severally liable and are ordered to pay the above modified

compensation of Rs.7,41,500/- (Rupees Seven Lac Forty One Thousand Five Hundred) along with interest at the rate of 9% per annum from the date of the MACP application till realization of the entire amount, to the appellants. If any amount under any of the above head is already paid, such amount be deducted from the aforesaid modified compensation amount. The impugned judgment and order dated 12.12.2008 is modified in the above terms. The First Appeal is partly allowed accordingly.

kps **(SUSHIL M. GHODESWAR, J.)**