



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

FIRST APPEAL NO. 2775 OF 2021

Royal Sundaram Alliance Insurance Co. Ltd.,
Subramaniam Building, II Floor, No.1, Club
House Road, Annasalai, Chennai -600 002.
Through its Authorized Officer.

....Appellant
(Original Respondent no.2)

Versus

1. Archana w/o Ashok Korde
Age: 32 years, Occu.: Household,
R/o. Kadgaon, Tq.Newasa,
Dist.Ahmednagar.
2. Ganesh s/o Ashok Korde, minor
Through Guardian – mother
Respondent no.1, Age : 11 years,
Occu.: Education,
R/o. As above.
3. Chaitanya s/o Ashok Korde, minor
Through Guardian mother Respondent no.1,
Age: 9 years, Occu.: Education,
R/o. As above.
4. Rakhmaji Bhaguji Korde
Age: 67 years, Occu.: Nil,
R/o. : Kadgaon, Tq.Newasa,
Dist. Ahmednagar.
5. Kausalya Rakhmaji Korde
Age: 62 years, Occu.: Household,
R/o. Kadgaon, Tq.Newasa,
Dist.Ahmednagar.
6. Ramesh Bhimrao Jadhav
Age: Major, Occu.: Agriculturist & Driver,
R/o. : Umapur, Tq.Gevrai,
Dist.Beed.

(Appeal is dismissed against respondent
no.6 as per order dated 29-11-2022).

.....Respondents

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Advocate for Appellant : Mr. Avinash S. Deshpande

Advocate for Respondent nos.1 to 3 : Mr.Sagar P Mahale h/f.

Mr. Shaikh Mazhar A.Jahagirdar

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 OCTOBER, 2025

PRONOUNCED ON : 17 OCTOBER, 2025

JUDGMENT :-

1. In this appeal by Insurance Company, exception has been taken to judgment and award passed by learned Member, Motor Accident Claims Tribunal, Newasa in MACP No.7 of 2016 dated 31-10-2017 by which heirs of deceased Ashok are beneficiaries of compensation on account of filing death claim by invoking Section 166 of the Motor Vehicles Act.

2. Learned counsel for appellant would point out that present respondents, by invoking Section 166 of the Motor Vehicles Act, set up claim for compensation on account of death of Ashok Korde, who allegedly died in road traffic accident dated 15-11-2015. Learned counsel fairly submitted that in this appeal, there is limited challenge only to the aspect of quantum of compensation and he would further emphasize that admittedly case set up was that deceased worked as a seasonal labour and as such, there was no cogent, reliable evidence

regarding alleged income of deceased, which was claimed by claimants and ascertained by learned Tribunal. He pointed out that, though learned Tribunal considered notional income, according to learned counsel, it is on higher side and the same ought to have been to the tune of Rs.6,000/- per month and without just and proper reasoning, an amount of Rs.8,000/- per month towards notional income has been considered and further calculations are made. Precisely, his objection is to the consideration of Rs.8,000/- per month instead of Rs.6,000/- per month towards notional income. He urges that, if this Court is inclined to reduce the compensation amount by considering notional income as Rs.6,000/- per month then the remaining amount be directed to be deposited to the account of appellant Insurance Company.

3. Learned counsel for original claimants supported and justified consideration and grant of compensation and urged dismissal of appeal for want of merits.

4. After hearing both the learned counsel and on going through the record, it seems that, after death on account of road traffic accident suffered by Ashok Korde on 15-11-2015, MACP No.7 of 2016 was filed by claimants seeking compensation by putting up a

case that, deceased was working as a seasonal labour in Mukteshwar Sugar Factory and he earned Rs.20,000/- per month from all sources and total compensation of Rs.12,00,000/- with interest was claimed.

5. Learned Tribunal, after appreciating the oral and documentary evidence, gave specific finding in paragraph 8 clause (ii) that, deceased was shown to be working as seasonal worker with Mukteshwar Sugar Factory and having been engaged in Sugar Factory, in absence of distinct cogent evidence of income, thought it fit to consider notional income to the tune of Rs.8,000/- per month and made further calculation and computation under various other heads.

6. While arguing before this Court, learned counsel for appellant seems to have raised objection to the consideration of notional income to the tune of Rs.8,000/- per month and he has fairly submitted that, it ought to have been considered at the most to the tune of Rs.6,000/- per month. Therefore, there is no serious challenge on the occupation and entire judgment of compensation by considering notional income. Considering the benevolent legislation and as claimants have permanently deprived source of income on account of loss of Ashok Korde, appellant Insurance Company should

not be much aggrieved by consideration of Rs.2,000/- per month extra than the one which they expected the Tribunal to award. This Court, by keeping in view the bare means and expenses required for survival, does not find consideration of Rs.8,000/- per month as notional income as excess or exorbitant. No case is made out on merits to interfere, hence appeal deserves to be dismissed. Accordingly, following order is passed :

ORDER

First Appeal is dismissed.

**(ABHAY S. WAGHWASE)
JUDGE**