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

FIRST APPEAL NO. 581 OF 2020

1] Satyabhama W/o Pandurang Padole
Age: 30 years, Occ. Household,
R/o. Mudi, Tq. Basmath, Dist. Hingoli.

2] Gajanan S/o Pandurang Padole ,
Age: 14 years, Occ. Education

3] Dhananjay S/o Pandurang Padole,
Age: 12 years, Occ. Education
Appellants No.2 and 3 are minors
U/g. of their real mother appellant No. 1
R/o. as above **...APPELLANTS**
(Orig. Claimants)

VERSUS

Maharashtra State Road Transport
Corporation Through its Divisional Controller,
Gangakhed Road, Parbhani, Tq. &
Dist. Parbhani. **.. RESPONDENT**
(Orig. Respondent)

...

Advocate for the Appellants : Mr. Kalani Pravin N.
Advocate for Respondent : Mr. Wange Anand D.

...

FIST APPEAL NO. 683 OF 2020

1] Ranjanabai W/o Mugaji @ Bandu Padole
Age: 30 years, Occ. Household,
R/o. Mudi, Tq. Basmath, Dist. Hingoli.

2) Vaishanavi D/o Mugaji @ Bandu Padole
Age: 4 years, Occ. Education,

3] Dhanshri D/o Mugaji @ Bandu Padole,
Age: 2 years, Occ. Education,
Appellants No.2 and 3 are minors
U/g. of their real mother appellant No. 1

4] Sakhubai W/o Bhagaram Padole,
Age: 50 years, Occ. Education, R/o. as above.

5) Bhagaramji S/o Mugaji Padole,
Age: 55 years, Occ. Agriculture, R/o, as above.

... APPELLANTS
(Orig. Claimants)

VERSUS

Maharashtra State Road Transport
Corporation Through its Divisional Controller,
Gangakhed Road, Parbhani, Tq. &
Dist. Parbhani. **.. RESPONDENT**
(Orig. Respondent)

...

Advocate for the Appellants : Mr. Kalani Pravin N.
Advocate for Respondent : Mr. Wange Anand D.

...

FIRST APPEAL NO. 684 OF 2020

1] Prayagbai W/o Madhav Padole,
Age: 45 years, Occ. Household,
R/o. Mudi, Tq. Basmath, Dist. Hingoli.

2] Nivratti S/o Madhavrao Padole
Age: 22 years, Occ. Education
R/o. as above.

3] Sopan S/o Madhavrao Padole,
Age: 20 years, Occ. Education
R/o. as above. **...APPELLANTS**
(Orig. Claimant)

VERSUS

Maharashtra State Road Transport
Corporation Through its Divisional Controller,
Gangakhed Road, Parbhani, Tq. &
Dist. Parbhani. **.. RESPONDENT**
(Orig. Respondent)

...

Advocate for the Appellants : Mr. Kalani Pravin N.
Advocate for Respondent : Mr. Wange Anand D.

...

FIRST APPEAL NO. 685 OF 2020

1] Godawaribai W/o Balaji Rengade,
Age: 40 years, Occ. Household,
R/o. Dagadgaon, Tq. Basmath,
Dist. Hingoli.

2] Krashanaji S/o Balaji Rengade,
Age: 22 years, Occ. Education,
R/o. Dagadgaon, Tq. Basmath,
Dist. Hingoli. **...APPELLANTS**
(Orig. Claimants)

VERSUS

Maharashtra State Road Transport
Corporation Through its Divisional Controller,
Gangakhed Road, Parbhani, Tq. &
Dist. Parbhani. **.. RESPONDENT**
(Orig. Respondent)

…

Advocate for the Appellants : Mr. Kalani Pravin N.
Advocate for Respondent : Mr. Wange Anand D.

...

FIRST APPEAL NO. 686 OF 2020

1] Ushabai W/o Pandurang Padole,
Age: 34 years, Occ. Household,
R/o. Mudi, Tq. Basmath, Dist. Hingoli.

2] Mayuri D/o Pandurang Padole,
Age: 14 years, Occ. Education

3] Madhuri D/o Pandurang Padole,
Age: 12 years, Occ. Education

4] Komal D/o Pandurang Padole,
Age: 12 years, Occ. Education

5] Bapurao S/o Pandurang Padole,
Age: 8 years, Occ. Education

6] Sunil S/o Pandurang Padole
Age: 6 years, Occ. Education
Appellants No. 2 to 6 are Minors

U/g. of their real mother appellant No.1
Sakhubai W/o Bapurao Padole Died. **...APPELLANTS (Orig. Claimants)**

VERSUS

Maharashtra State Road Transport
Corporation Through its Divisional Controller,
Gangakhed Road, Parbhani, Tq. &
Dist. Parbhani. **..RESPONDENT (Orig. Respondent)**

...

Advocate for the Appellants : Mr. Kalani Pravin N.
Advocate for Respondent : Mr. Wange Anand D.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 14.10.2025

PER COURT :

First Appeal Nos. 683/2020, 684/2020, 686/2020 are not on board. Taken on board, on mentioning.

2. Heard both sides finally at the admission stage.

3. These appeals are arising out of a self-same accident, which took place on 12.07.2011, in which five persons died. The claimants preferred different claim petitions. Those are decided by distinct judgments and awards passed on 25.07.2016 granting compensation to them. The submissions of the counsels are common and appeals can be decided by a common judgment.

4. Learned counsel for appellant Mr. Kalani submits that the compensation determined by the Tribunal is not reasonable and just. No compensation is awarded towards future prospects. It is submitted that under the head of 'consortium' the claimants are entitled to receive the compensation per capita. It is further submitted that for funeral expenses instead of Rs. 10,000/- an amount of Rs. 15,000/- should have been awarded. The appellants are entitled to the enhancement in the

compensation considering the law laid down by the Supreme Court in the matter of **National Insurance Company Limited Vs. Pranay Sethi and others; (2017) 16 Supreme Court Cases 680.**

5. Per contra, learned counsel Mr. Wange, appearing for the respondent-Corporation supports the impugned judgments. It is submitted that the Tribunal has arrived at just and reasonable compensation and no interference is called for. He would submit that the consortium per capita is not permissible and it has to be awarded aggregately. Reliance is placed on the judgment of **Magma General Insurance Co. Ltd. Vs. Nanu Ram and Ors; AIR Online 2018 SC 189 and Pranay Sethi (supra).** It is further submitted that when the claimants are major, they are not entitled to get compensation under the head of 'consortium'. It is further submitted that the Tribunal should not have awarded amount of Rs. 50,000/- towards loss of love and affection.

6. Having considered the rival submissions of the parties, I find that following are the necessary particulars in each appeal :

Sr. No.	First Appeal No.	M.A.C.P. NO.	Number of claimants	Compensation awarded Rs.
1)	581/2020	572/2011	03	4,80,000/-
2)	685/2020	573/2011	02	3,99,000/-
3)	684/2020	576/2011	03	8,49,671/-
4)	683/2020	574/2011	05	5,64,000/-
5)	686/1010	575/2011	07	5,64,000/-

7. It is not disputed that the accident took place on 12.07.2011, when deceased were travelling in a jeep, which met with an accident with a bus of the respondent- Corporation. The factum of accident and death of the persons are evident. The claimants adduced oral evidence.

8. The claims are objected by the respondent-Corporation by filing written statements. It was contended that the accident occurred due to rash

and negligent driving of the jeep driver. All the pleadings of the claimants are denied. The respondent-Corporation adduced oral evidence of two witnesses.

9. The Tribunal by distinct judgments and awards passed on 25.07.2016 awarded the compensation in each case along with interest at the rate of 7.5% per annum payable from the date of petition till its realization. The respondent-Corporation is held liable to pay compensation. The apportionment of the compensation has also been stipulated in the impugned judgment.

10. The respondent-Corporation did not prefer any appeal against the judgments and awards passed by the Tribunal.

11. In most of the claim petitions, the deceased were agriculturists and there was no fixed income, which could be brought on record. Therefore, notional income of Rs. 3500/- per month was considered and accordingly annual income of Rs. 42,000/- was calculated. However, in one of the matters the deceased is shown to have been working with sugar factory and his annual income is considered to be Rs. 94,000/-. In none of the matters, the future prospects has been awarded by the Tribunal.

12. In view of the judgment rendered by the Supreme Court in **Pranay Sethi (supra)**, the claimants are entitled to have addition of future prospects.

Sr. No.	First Appeal No.	M.A.C.P. NO.	Age of the deceased	Future prospects
1)	581/2020	572/2011	40	25%
2)	685/2020	573/2011	48	25%
3)	684/2020	576/2011	50	25%
4)	683/2020	574/2011	35	40%
5)	686/1010	575/2011	40	25%

13. I have considered the rival submissions of the parties on the point as to whether the compensation towards consortium shall be awarded in

aggregate or per capita. I have gone through paragraph No. 52 of the judgment of Pranay Sethi's case (supra). Towards consortium an amount of Rs. 40,000/- has been earmarked. Simultaneously, it reveals that no amount of compensation is payable towards love and affection.

14. Learned counsel Mr. Wange for respondent-Corporation has rightly cited judgment of **New India Assurance Company Ltd. Vs. Smt. Somwati and Ors.; AIR Online 2020 SC 717.** I have gone through paragraph nos. 40 to 44. It has been clearly laid down that towards loss of love and affection, compensation under separate head is impermissible. The claimants are not entitled to anything towards love and affection.

15. Rival submissions are made in respect of awarding of compensation towards consortium. In case of **Magma General Insurance Co. Ltd.(supra**) the Supreme Court has explained the concept of consortium in paragraph no. 8.7. In that matter however Rs. 40,000/- was awarded towards consortium to father and sister each. Supreme Court in **Pranay Sethi (supra**) did not prescribe restriction for awarding the consortium. Considering the purport of spousal consortium, parental consortium and filial consortium, I am of the considered view that consortium needs to be awarded per capita. The submissions of Mr. Kalani in this regard will have to be accepted in all matters. The consortium of Rs. 40,000/- per claimant is payable to the dependents.

16. Another controversy in this matter is that few of the claimants are major. Learned counsel Mr. Wange for the respondent-Corporation strongly objected for awarding of the consortium to the claimants, who are major. I do not find that age is the criteria prescribed either in the matters of **Pranay Sethi** or in **Magma General Insurance Co. Ltd.** by the Supreme Court. If the purpose for awarding consortium is taken into consideration, then even the major persons are entitled to receive parental consortium or spousal consortium or filial consortium. The submissions of Mr. Wange in this

regard cannot be approved.

17. In all the matters, only Rs. 10,000/- was awarded towards funeral expenses. Going by the law laid down in Pranay Sethi (supra) in each matter Rs. 15,000/- is payable to the claimants towards funeral expenses.

18. Particulars of the compensation amount payable to the appellants are as follows :

F.A.No.581/2020 (Satyabhama Padole and others Vs. MSRTC):

1.	Yearly income @ Rs. 3500/- per month x 12	**42,000/-**
2.	Yearly income after addition of 25% towards future prospects (42,000 + 10,500)	**52,500/-**
3.	Actual yearly future loss of income after deduction of 1/3rd amount towards personal expenses (52,500/- minus 17,500/-)	**35,000/-**
4.	Total future loss of income after applying multiplier ‘15’ (35,000 x 15)	**5,25,000/-**
5.	Consortium (40,000 x 3)	**1,20,000/-**
6.	Funeral expenses	**15,000/-**
	Total compensation (4+5+6)	**6,60,000/-**

F.A.No.683/2020 (Ranjanabai Padole & Oth. Vs. MSRTC):

1.	Yearly income @ Rs. 3,500 Per month x 12	**42,000/-**
2.	Yearly income after addition of 40% towards future prospects (42,000 + 16,800)	**58,800/-**
3.	Actual yearly future loss of income after deduction of 1/4th amount towards personal expenses (58,800/- minus 14,700/-)	**44,100/-**
4.	Total future loss of income after applying multiplier ‘16’ (44,100 x 16)	**7,05,600/-**
5.	Consortium (40,000 x 5)	**2,00,000/-**
6.	Funeral expenses	**15,000/-**
	Total compensation (4+5+6)	**9,20,600/-**

F.A.684/2020 (Prayagbai Padole & oth. Vs. MSRTC):

1.	Yearly income	**94,000/-**
2.	Yearly income after addition of 25% towards future prospects (94,000 + 23,500)	**1,17,500/-**
3.	Actual yearly future loss of income after deduction of 1/3rd amount towards personal expenses (1,17,500 minus 39,167)	**78,333/-**
4.	Total future loss of income after applying multiplier '13' (78,333 x 13)	**10,18,329/-**
5.	Consortium (40,000 x 3)	**1,20,000/-**
6.	Funeral expenses	**15,000/-**
	Total compensation (4+5+6)	**11,53,329/-**

F.A.No.685/2020 (Godawaribai Rengade & Oth. Vs. MSRTC):

1.	Yearly income @ Rs. 3,500 Per month x 12	**42,000/-**
2.	Yearly income after addition of 25% towards future prospects (42,000 + 10,500)	**52,500/-**
3.	Actual yearly future loss of income after deduction of 1/3rd amount towards personal expenses (52,500 minus 17,500)	**35,000/-**
4.	Total future loss of income after applying multiplier '13' (35,000 x 13)	**4,55,000/-**
5.	Consortium (40,000 x 2)	**80,000/-**
6.	Funeral expenses	**15,000/-**
	Total compensation (4+5+6)	**5,50,000/-**

F.A.No.686/2020 (Ushabai Padole & oth Vs. MSRTC)

1.	Yearly income @ Rs. 3,500 Per month x 12	**42,000/-**
2.	Yearly income after addition of 25% towards future prospects (42,000 + 10,500)	**52,500/-**
3.	Actual yearly future loss of income after deduction of 1/5th amount towards personal expenses (52,500 minus 10,500)	**42,000/**
4.	Total future loss of income after applying multiplier '15' (42,000 x 15)	**6,30,000/-**
5.	Consortium (40,000 x 7)	**2,80,000/-**
6.	Funeral expenses	**15,000/-**
	Total compensation (4+5+6)	**9,25,000/-**

19. For the aforesaid reasons, I propose to enhance the compensation in following manner:

(A) First Appeals are partly allowed.

(B) The impugned judgments and awards dated 25.07.2016 passed by the Motor Accident Claims Tribunal, Parbhani, which are under challenge are modified to the extent of quantum of compensation, but rest of the award is maintained.

(C) The appellants claimants shall receive compensation as detailed in paragraph No. 18, which is summarized as under :

(i) The appellants in First Appeal No. 581/2020 shall entitled to receive compensation of Rs. 6,60,000/-.

(ii) The appellants in First Appeal No. 683/2020 shall entitled to receive compensation of Rs. 9,20,600/-.

(iii) The appellants in First Appeal No. 684/2020 shall entitled to receive compensation of Rs. 11,53,329/-.

(iv) The appellants in First Appeal No. 685/2020 shall entitled to receive compensation of Rs. 5,50,000/-.

(iv) The appellants in First Appeal No. 686/2020 shall entitled to receive compensation of Rs. 9,25,000/-.

(d) The respondent-Corporation shall deposit the enhanced compensation before Motor Accident Claims Tribunal, Parbhani.

(e) Awards be drawn accordingly.

(f) The appellant shall pay the deficit court-fees, if any, considering the enhancement of the compensation.

(SHAILESH P. BRAHME, J.)

mkd/-