



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 FIRST APPEAL NO. 4297 OF 2022

1. Asha w/o. Dhiraj Kamble
Age : 30 years, Occ. : Household
2. Devraj s/o. Dhiraj Kamble
Age : 6 years, Occ. : Education
(minor u/g. of real mother-Asha i.e.
appellant No.1)
3. Namdeo s/o. Ganpati Kamble
Age : 66 years, Occ. : Nil
4. Shalika w/o. Namdeo Kamble
Age : 61 years, Occ. : Household,

All R/o. : Chapoli, Tq. Chakur, Dist. Latur ...**APPELLANTS**
(Ori. Claimants)

VERSUS

1. Ajaykumar Sing s/o. Devpujan @ Debrajan Sing
Age : 45 years, Occ. : Business
R/o. : Ward No.23, post – Barai Pali, P.S.
Aainatha Pali, Sadar, Sambalpur, Orissar – 768006
2. Jagyana Bihari s/o. Bibhishan Pradhan
Age : 34 years, Occ. : Driver
R/o. Bhaliyakta, Tq. Badmal, P.S. Charmal,
Dist. Sambalpur – 768105
3. The Oriental Insurance Company
Through its Branch Manager,
Branch – Latur, Tq. & Dist. Latur

... **RESPONDENTS**

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Mr. S.P. Katneshwarkar – Advocate for Appellants
Mr. M.K. Goyanka – Advocate for Respondent No.3

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th February, 2025

JUDGMENT :

1. Heard rival submissions.
2. The appellants/claimants have preferred this appeal against the judgment and award dated 19.09.2022 passed by the learned Member M.A.C.T., Latur (*hereinafter referred to as “the learned Tribunal”*) in M.A.C.P. No.247 of 2017.
3. It is the contention of appellants/claimants that while granting compensation to the tune of Rs.48,13,000/- alongwith the interest @6% per annum, the learned Tribunal did not consider the compensation under the heads of future prospects and loss of consortium. Today the learned Counsel for the appellants submits that, the learned Tribunal should have granted compensation of Rs.24,06,500/- under the head of future prospect and compensation of Rs.1,20,000/- under the head of loss of consortium.
4. Learned Counsel for respondent No.3 – Insurance Company did not dispute the fact of not granting the compensation under the aforesaid heads. Now, it is settled as per the observation of Hon’ble

Apex Court in the case of National Insurance Company Ltd. Vs. Pranay Sethi reported in *2018 ALL SCR 953* that the compensation under the aforesaid heads needs to be granted while computing the compensation arising out of accidental death. The aforesaid amounts of compensation appear proper considering the income of deceased and relevant multiplier as held by the learned Tribunal. Under such circumstances the appellants/claimants are definitely entitled for the aforesaid compensation.

5. Thus, the appeal is partly allowed and the respondent Nos.1 to 3 being the respective driver, owner and insurer of the offending vehicle shall pay the aforesaid additional compensation of Rs.25,26,500/- jointly and severally to the appellants/claimants alongwith the interest @ 6% from the date of original claim petition till its realization. On realization of the aforesaid amount the amount of Rs.10,00,000/- alongwith the accrued interest, is allowed to be withdrawn by appellant No.1. The amount of Rs.5,00,000/- each alongwith the accrued interest, is allowed to be withdrawn by appellant Nos.3 and 4, whereas the remaining amount of Rs.5,26,500/- alongwith the accrued interest be kept in fixed deposit of any nationalized bank in the name of appellant No.2 till he attains majority. After attaining majority the said amount be paid to him

alongwith the accrued interest without further reference to this Court.

6. The appellants shall pay deficit Court fees, if any, within four weeks.

7. Award be drawn accordingly.

8. The appeal is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE