



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 360 OF 2019
WITH CIVIL APPLICATION NO. 10555 OF 2025

1. The State of Maharashtra
Through the Deputy Director of Health
Services (Transport) Pune
2. The Director of Insurance
Government of Maharashtra
264, First Floor, Grah Nirman Bhavan
Opp. Kalyan Nagar, Bandra (East),
Mumbai

..APPELLANTS

VERSUS

1. Jyoti Vijay Solanke
Age: 35 years, Occu.: Household,
R/o Ganganagar, S.T. Colony, Hingoli,
Tq. & Dist. Hingoli
2. Vaibhav Vijay Solanke
Age: 13 years, Occu.: Education
3. Harshada Vijay Solanke
Age: 8 years, Occu.: Education
- R.2 and 3 are minors U/G of R.1
4. Narayanrao Laxmanrao Solanke
Age: 65 years, Occu.: Nil,
5. Jajabai Narayan Solanke
Age: 60 years, Occu.: Household

Both R/o Yehalgaon, Tq. Aundha,
Dist. Hingoli

..RESPONDENTS

....
Mr. S.S. Dande, A.G.P. for appellants
Mr. V.B. Anjanwatikar, Advocate for respondents

CORAM : ABHAY J. MANTRI, J.
DATE : 19th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. *Admit.* Head finally, with the consent of learned counsel for the parties.

2. The appellants/original respondents, being dissatisfied with the judgment and award dated 31st January, 2017, passed by the learned Member of Maharashtra Accident Claims Tribunal, Hingoli (for short, '*Tribunal*') in M.A.C.P No. 275 of 2014, thereby partly allowed the petition, have preferred this appeal.

3. On 20th December, 2013, the deceased – Vijay Narayan Solanke was on duty as the District Malaria Officer and was travelling for the official purpose in an official vehicle bearing no. MH-12-JA-0252 from Hingoli to Sirsam. On the Hingoli-Washim road, the driver of the vehicle drove it in a rash and negligent manner, and the vehicle turned turtle, resulting in the accident. The deceased sustained grievous injuries and succumbed to them. Following the incident, one Namdeo Bhise filed a report with the Hingoli Police Station regarding the accident against the driver of the vehicle. Based on the said report, an offence was registered vide C.R. No. 108 of 2013.

4. The deceased was a permanent employee in the Government of Maharashtra in the Malaria Health Department and earned a salary of Rs. 42,180/- per month. At the time of the incident, he was 42 years of age. The

claimants, i.e. the present respondents, were dependent on him. The vehicle was owned by the appellants. Due to the death of Vijay Solanke, the claimants have suffered substantial loss and, therefore, have filed the claim before the Tribunal. After considering the evidence on record, the Tribunal has partly allowed the claim petition. Hence, the appellants have preferred this appeal.

5. Having heard learned counsel for both the parties and perusal of the impugned judgment along with the record, the following points arise for determination:-

- (I) *Whether the deduction of 1/5th of the amount towards personal expenses from the income of the deceased by the Tribunal is correct, when undisputedly there are five dependants?*
- (II) *Whether the grant of compensation in awarding a 50% amount under the head of future prospectus instead of 30%, is just and proper when the deceased was above forty-two years of age?*
- (III) *Whether interference is required in the impugned judgment and award?*

Point Nos. (I) to (III):-

6. At the outset, it appears from the record that the five dependants/claimants are dependent on the deceased, and therefore, as per the law laid down in *Sarla Varma and Others Vs. Delhi Transport Corporation and Another (2009) 6 SCC 121*, 1/4th of the amount should be deducted for the

personal expenses of the deceased. However, the learned Tribunal in paragraph no.16 has erred in deducting 1/5th amount towards personal expenses of the deceased instead of 1/4th, and therefore, I find substance in the contention of learned counsel for the appellants in that regard. Thus, the finding is subject to modification.

7. It further appears that in paragraph no.17, the learned Tribunal has erred in awarding 50% amount under the head of future prospectus instead of 30%, when undisputedly the deceased was 42 years of age, and therefore, as per the law laid down in *National Insurance Company Vs. Pranay Sethi (2017) 16 SCC 680*, the claimants are entitled for 30% amount under the head of 'Future Prospectus'. However, the Tribunal has erred in awarding 50%, and therefore, the said finding is liable to be modified on appeal.

8. Thus, considering the above facts and evidence on record, it reveals that the Tribunal has erred in deducting 1/5th amount towards 'Personal Expenses' instead of 1/4th and erred in awarding 50% amount under the head 'future Prospectus', instead of 30%. Therefore, interference is required in the impugned judgment and award in the appellate jurisdiction. Hence, *I answer the Point Nos. I, II in the negative and No. III in the affirmative.*

9. Having considered the above discussion, in my view, the respondents are entitled to compensation after deducting 1/4th the amount from the income of the deceased towards his 'Personal Expenses' and entitled to 30% under the head 'Future Prospectus', instead of 50%. The rest of the

findings of the Tribunal are just and proper, and therefore, to that extent, the impugned judgment and award are modified as under :-

Particulars		Amount (Rs.)
Net Income (After deduction of taxes)		4,72,528/-
Future Prospectus 30%	+	1,41,758/-
	=	6,14,286/-
Multiplier of 14	x	86,00,004/-
Less 1/4	-	21,50,001/-
Loss of Dependency	=	64,50,003/-
Loss of consortium (40,000 per dependent, which is subject to an enhancement by 10% every 3 years from 2017 till its realisation)	+	2,42,000 (48,500x5)
Loss of Estate (15,000/-, which is subject to an enhancement of 10% every 3 years from 2017 till its realisation)	+	18,150/-
Funeral Expenses (15,000/-, which is subject to an enhancement by 10% every 3 years from 2017 till its realisation)	+	18,150/-
Total	=	67,28,303/-

The respondents are entitled to Rs. 67,28,303/- compensation instead of Rs.81,58,000/- along with proportionate accrued interest @ 6% p.a. Needless to clarify that Respondent No.1 is entitled for 40%, Respondent Nos. 2 and 3 are entitled to 20% each, and Respondent nos. 4 and 5 are entitled to 10% of the award amount each along with proportionate interest accrued thereon. If the Respondent Nos. 2 and 3 are minors, the amount of their share shall be kept in a fixed deposit until they attain majority. If they

are major, the amount is to be paid to them, together with the proportionate interest accrued thereon.

10. Consequently, the first appeal is partly allowed. The impugned judgment and award dated 31st January, 2017, passed by the learned Member of Maharashtra Accident Claims Tribunal, Hingoli, in M.A.C.P. No. 275 of 2014, is hereby modified to the extent of quantum as stated above.

11. It is clarified that after payment of compensation as stated above, the rest of the amount, along with the proportionate interest accrued thereon, shall be refunded to the appellants. Pending civil application stands disposed of. Records and Proceedings should be sent back to the Tribunal accordingly.

(ABHAY J. MANTRI, J.)

SSD