

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 73 OF 2010

- | | | | |
|--------|---|------------------|--|
| 1 | Smt. Geeta Narayandas Pamnani |) | |
| | Age 40 Years, Occu - Housewife |) | |
| 2 | Kanhaiya Narayandas Pamnani |) | |
| | Age 17 years, Occu - Student |) | |
| 3 | Reshma Narayandas Pamnani |) | |
| | Age 15 years, Occu - Student |) | |
| 4 | Prem Narayandas Pamnani |) | |
| | Age 10 years, Occu - Student |) | |
| 5 | Smt. Bhanvari Madhavdas Pamnani |) | |
| | Age 70 years, Occu - |) | |
| | All residing at 9/59, Bhagyshree Colony, |) | |
| | Ichalkaranji, Tal – Hatkanagle, Kolhapur |)... Appellants | |
| Versus | | | |
| 1 | Pramod Marshal Jadhav |) | |
| | Age 40 years, Occu – Transport Business |) | |
| | R/at Nimbhri Post Office, |) | |
| | Pachegon, Ta – Nevasa, Ahmednagar |) | |
| 2 | United India Insurance Co. Ltd. |) | |
| | (Having office at Branch office ‘E’ Ward, Kolhapur) |)... Respondents | |

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Mr. Jayant J. Bardeskar, Advocate for the Appellants.

Ms. Poonam Mital, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATED : 13th JUNE, 2025.

ORAL JUDGMENT :

1. By this appeal the appellants / claimants are seeking enhancement of compensation.

2. It is contention of learned counsel for the appellants that the Tribunal has not awarded future prospects. The Tribunal has deducted 1/3rd amount for personal expenses, it should be 1/4th. Learned counsel further submitted that consortium amount is awarded on lower side. Learned counsel further submitted that the Tribunal has awarded interest on compensation from the date of Judgment and order, it should be from the date of filing claim petition.

3. It is contention of learned counsel for respondent No.2/ Insurance Company that the Tribunal has passed well reasoned order, no interference is required in it. Learned counsel further submitted that the Tribunal has applied multiplier of 15, it should be 14. Learned counsel further submitted that the Tribunal has considered monthly income of the deceased on higher side, hence requested to dismiss the appeal.

4. I have heard both the learned counsel. Perused Judgment and Order passed by the Motor Accident Claims Tribunal, Ichalkaranji (for short “the Tribunal”). Though learned counsel for the respondent No.2/ Insurance company has challenged the income of the deceased, no appeal is preferred by the Insurance Company, hence I am not considering said ground. The Tribunal has not awarded future prospects. As per view of Hon’ble Apex Court in the case of *National Insurance Co. Ltd. vs. Pranay Sethi, 2017 ACJ 2700(SC)*, the claimants are entitled for 25% future

prospects. The Tribunal has deducted 1/3rd amount for personal expenses. There are 5 claimants, hence it should be 1/4th. The Tribunal has awarded consortium amount on lower side. As per the view of the Hon'ble Apex Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)*, each claimant is entitled for Rs.48,000/- as consortium amount, Rs.18,000/- as a funeral expenses, Rs.18,000/- for loss of estate.

The Tribunal has awarded interest on compensation from the date of Judgment and order it should be from the date of filing claim petition. Considering the above calculations, the claimants are entitled for following compensation :

Particulars	Rs.	Entitlement
Yearly income	Rs.	97,600/-
25% Future prospects	Rs.	24,400/-
Total	Rs.	1,22,000/-
1/4 th deduction (1,22,000 – 30,500)	Rs.	91,500/-
Multiplier of 14 (91,500 X 14)	Rs.	12,81,000/-
Consortium (48,000 X 5)	Rs.	2,40,000/-
Funeral Expenses	Rs.	18,000/-
Loss of Estate	Rs.	18,000/-
Total	Rs.	15,57,000/-
Claim granted by Tribunal	Rs.	8,36,800/-
Enhanced amount	Rs.	7,20,200/-

Thus the claimants are entitled for enhanced compensation of Rs.7,20,200/-.

5. In view of above, I pass following Order:

ORDER

- i. The appeal is allowed.
 - ii. The appellants / claimants are entitled for enhanced compensation of Rs.7,20,200/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount. Out of this amount, Rs. 2,76,000/- is consortium amount, the claimants are entitled for 7.5% interest per annum on this amount from 1st November 2017 till realisation of the amount.
 - iii. The respondent No.2 / Insurance Company shall deposit the enhanced amount along with accrued interest thereon within six weeks after the receipt of this order.
 - iv. The appellants/claimants shall deposit the deficit Court fees on enhanced amount if any.
 - v. R & P be sent back to the Tribunal.
6. The appeal is disposed of. All pending applications, if any, also disposed of.

(SHIVKUMAR DIGE, J.)