

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.412 OF 2024

Maharashtra State Transport Corporation	}	
Thr. Divisional Controller, Mumbai,	}	
Maharashtra	}	...Appellant

Versus

1. Ambubai Sharnappa @ Sharnabasappa	}	
Kokare	}	
Age-26 years, Occ: Household	}	

2. Shreya Sharnappa @ Sharanbasappa	}	
Kokare	}	
Age-9 years, Occ: Education	}	

3. Malappa Sharnappa @ Sharanbasappa	}	
Kokare	}	
Age-4 years, Occ: Education	}	

4. Manjula Malappa Kokare	}	
Age-52 years, Occ: Household	}	
	}	

All R/o Pavan Ganpati Road, Damani	}	
Nagar, Solapur.	}	
(Appellant Nos.2 and 3, Thr. Natural	}	
Guardian mother Applicant No.1)	}	Respondents

Mr.Nitesh Bhutekar a/w Mr.Prathamesh Mandlik, for the Appellants.

Mr.Ajit V. Alange, for Respondent Nos.1 to 4.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

ORAL JUDGMENT :-

. The issues involved in this Appeal is that, the Tribunal has awarded 50% future prospects which is on higher side and interest is awarded on higher side.

2. It is contention of the learned counsel for the Appellant-Corporation that the deceased was not a permanent employee, but the Tribunal has awarded 50% future prospects, it should be 40%. The learned counsel further submitted that, the Tribunal has awarded 9% interest on compensation amount, it is on higher side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent-Claimant that, the Tribunal has passed well reasoned order, no interference is required in it. The consortium is given only to one Claimant, it should be given to other Claimants and requested to dismiss the Appeal.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal ("The

Tribunal' for short), Solapur.

5. While considering the income of the deceased, the Tribunal has considered notional income of the deceased. While awarding future prospects, Tribunal has awarded 50%, it should be 40%, hence, I am considering 40%. The Tribunal has awarded consortium for only one Claimant, it should be for all Claimants. As per view of Hon'ble Apex Court in the case of *Magma General Insurance Co. Ltd. vs. Nanu Ram*¹, each Claimant is entitled for Rs.48,000/- as consortium amount and Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses. Considering this calculation, the Claimants are entitled for following compensation.

Particulars	Amount
Monthly Income	Rs.6,000.00
Annual Income (Notional Income X 12 months)	Rs.72,000.00
(+) Future Prospects (40% - Age 29 Yrs)	Rs.28,800.00
Annual Income After Future Prospects	Rs.1,00,800.00
(-) Personal Expenses (1/3rd amount)	Rs.33,600.00
Net Annual Loss of Income	Rs.67,200.00

1 *2018 ACJ 2782 (SC)*

Multiplier	17
Total Loss of Income	Rs.11,42,400.00
<u>Conventional Heads with 10% increase</u>	
Consortium (Rs.48,000 x 4)	Rs.1,92,000.00
Loss of Estate	Rs.18,000.00
Funeral Expenses	Rs.18,000.00
Total Just Compensation Payable	Rs.13,70,400.00

6. The Tribunal has granted Rs.12,94,000/-, if this amount is deducted from Rs.13,70,400/- considered by this Court, it comes to Rs.76,400/-. This is enhanced amount which the Claimants are entitled to.

7. In view of above, I pass following order.

ORDER

- (i) The Appeal is partly allowed.
 - (ii) The Appellant is permitted to withdraw excess interest amount from the deposited amount.
 - (iii) The Claimant's are entitled for interest @7.5% per annum on compensation amount instead of 9%
- The Claimants are entitled for enhanced amount of Rs.76,400/- at 7.5% interest from the date of filing

Claim Petition till realization of the amount.

(iv) The Appellant-Insurance Company shall deposit enhanced amount within four weeks along with interest after receipt of the order.

(v) The Respondents-Claimants are permitted to withdraw deposited amount alongwith accrued interest.

(vi) The statutory amount alongwith interest be transferred to the Tribunal. Parties are at liberty to withdraw it, as per Rules.

(vii) The Claimants shall pay deficit Court Fees on enhanced amount, as per Rules.

(viii) Record and Proceedings be sent back to the Tribunal.

(ix) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)