

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FIRST APPEAL NO. 913 OF 2010**

1	Shri. Pradip Mohanlal Shah Age about 52 years, Occupation : Nil	
2	Sou. Ujvala Pradip Shah Age about 46 years, Occupation : Household	
3	Shri. Chaitanya Pradip Shah Age about 26 years, Occupation : Private Service, All R/o. Ankur Park, Budhwar Peth, Satara	... Appellants
Versus		
	Maharashtra State Road Transport Corporation Satara Depot, Satara	... Respondent

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Mr. Sharad Bhosale i/b. Mr. Dilip Bodake, Advocate for the Appellant.
Ms. P. M. Bhansali, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.
DATED : 24th JUNE, 2025.

ORAL JUDGMENT :

1. The issue involved in this appeal is, the Tribunal has applied wrong multiplier and consortium amount is given on lower side.
2. It is contention of learned counsel for the appellant that at the time of accident deceased was 21 years old. The Tribunal has applied multiplier of 11 it should be 18. Learned counsel further submitted that the Tribunal

has not awarded consortium amount and amount for loss of estate is awarded on lower side, hence requested to allow the appeal.

3. It is contention of learned counsel for the Corporation that while passing Judgment and Order the Tribunal has considered all the aspects and on that basis Judgment and order is passed. No interference is required in it. 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, Satara (for short “**the Tribunal**”). It has come on record that at the time of accident deceased was 21 years old. The Tribunal has applied multiplier of 11, it is erroneous, proper multiplier is 18. The Tribunal has not awarded consortium amount. As per the view of the Hon'ble Apex Court in the case of *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/- for loss of estate and Rs.18,000/- for funeral expenses.

5. Considering above calculations, the claimants are entitled for following compensation.

Particulars	Rs.	Entitlement
Monthly Income	Rs.	3,500/-
Yearly Income (3,500 X 12)	Rs.	42,000/-
Yearly Income X Multiplier of 18	Rs.	7,56,000/-
1/3 Personal Expenses	Rs.	2,52,000/-
Total	Rs.	5,04,000/-

40% Future Prospects	Rs.	2,01,600/-
Consortium (48,000 X 2 claimants)	Rs.	96,000/-
Loss of Estate	Rs.	18,000/-
Funeral Expenses	Rs.	18,000/-
Medical Expenses & Surgery	Rs.	25,000/-
Total	Rs.	8,62,600/-
Compensation awarded by the Tribunal	Rs.	1,55,000/-
Total enhanced amount	Rs.	7,07,600/-

6. In view of above, I pass following order:

ORDER

- i. The appeal is allowed.
- ii. The claimants are entitled for the enhanced amount of Rs. 7,07,600/- @ 7.5% interest per annum from the date of filing of claim petition till realisation of the amount. Out of this amount, Rs.1,32,000/- is consortium amount, loss of estate and funeral expenses, the claimants are entitled for interest @ 7.5% per annum on this amount from 1st November 2017 till realisation of the amount.
- iii. The respondent / Corporation shall deposit the enhanced amount along with accrued interest thereon within 4 weeks from the receipt of this order. The appellants/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

iv. The appellants / claimants shall pay the deficit Court fees on enhanced amount as per rule, if any.

v. R & P be sent to the Tribunal.

7. The appeal is disposed of. All pending applications, if any also disposed of.

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(SHIVKUMAR DIGE, J.)