

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1137 OF 2025**

The New India Assurance Co. Ltd.
Divisional Manager,
Park Chowk, Solapur

Thr. Mumbai Legal Hub, Ground Floor,
New India Assurance Bldg., 87, M.G. Road,
Mumbai-400001Appellant
Versus

1. Amol S/o Subhash Bankar
Age-36 Years, Occ: Agriculture
2. Anaya S/o Amol Bankar
Age-9 Years, Occ: Education
3. Adwait S/o Amol Bankar
Age-5 years, Occ: Nil

Respondent Nos.2 and 3 being minor thr. Father
of natural guardian Respondent No.1

4. All r/at Bardi, Taluka-Pandharpur, District-Solapur
Anna Prakash Shingire (Abated)
Age-34 years present, Occ: Driver
R/at Lamboti, Taluka-Mohol, District-Solapur
5. R.V. Nandvani
Age-44 years, Occ: Business
R/at Survey No.46, Mumbai Nashik Highway,
Saroligaon, Bhiwandi, District-Thane-421302 Respondents

Mr.D.S. Joshi, Advocate for the Appellant-Insurance Company.
Mr.R. S. Alange, for Respondent Nos.1 to 3/Claimants.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JULY, 2025.

Judgment. :

**SHUBHADA
SHANKAR
KADAM**

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Date: 2025.07.30
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1. The issues involved in this appeal are income of the deceased is considered on higher side and interest is awarded on higher side.
2. It is contention of learned counsel for the appellant-Insurance Company that the deceased was B.E.(Computers). She was working as Assistant Lecturer in Vadodara Institute of Engineering College, Gujarat, and was getting salary of Rs.18,000/- per month and she worked there for three months, thereafter, she left job. At the time of accident, she was housewife but the Tribunal has considered her monthly income at Rs.18,000/-, which is on higher side. 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 respondent Nos.1 to 3 /claimants that the deceased was B.E. (First Class). At the time of accident, due to family problems, she was not doing any job. She had plan to join the service but due to accident, she could not join. The Tribunal has considered all aspects and, on that basis, has passed well reasoned judgment, no interference is required in it and requested to dismiss the appeal.
4. I have heard both learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Solapur (for short "the Tribunal").
5. While dealing with the issue of income of the deceased, the Tribunal has observed that the deceased was serving as Assistant

Lecturer in Vadodara Institute of Engineering College, Gujarat, and she was drawing a salary of Rs.18,000/- per month. On that basis, the Tribunal has considered the monthly income of the deceased at Rs.18,000/- per month. I do not find any infirmity in it. In my view, the deceased was holding a degree of B.E. (Computer with First Class). She was a meritorious student. She was working as Assistant Lecturer. Considering her educational qualification, the income considered by the Tribunal is proper and I do not find infirmity in it.

6. The Tribunal has awarded 9% interest on compensation amount. In my view, it is on little higher side and I am considering it at 7.5% per annum.

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

ORDER

1. The appeal is partly allowed.
2. The claimants are entitled for interest @ 7.5% per annum on compensation amount awarded by the Tribunal from the date of filing claim petition till realisation of the amount.
3. The appellant-Insurance Company is permitted to withdraw the excess interest amount from the deposited amount.
4. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon as directed in clause (2) of the order.

5. The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
6. Record and proceedings be sent to the Tribunal.
8. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)