

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

FIRST APPEAL NO. 2730 OF 2007

1. Ashwini Ashok Thombare } Age-29 years, Occ: Household work }	} }	
2. Pooja Ashok Thombare } Age-9 years, }	} }	
3. Yashoda Krishna Thombare } Age-54 years, Occ: Household work }	} }	
4. Krishna Dnyanu Thombare } Age-69 years, Occ: Nil } All R/o. Gavali Galli, Peth Bhag, Sangli } District-Sangli }	} } } }	(Org. Appellants)
	}	...Appellants

Versus

1. Shridhar Appa Khot } Age-53 years, Occ: Trader & Owner, } R/o. Gao at present R/o. Namrata } Apartment, Gaonbhag, Sangli }	} } } }	
2. National Insurance Co. Ltd., } Jain Boarding Compex, Opp. Sangli High } School, High School Road, Sangli }	} } }	(Org. Respondents)
	}	...Respondents

Mr.Umesh Mankapure a/w Ms.Bhavika Shinde, for the Appellants.
Ms.Harshada Rane, for Respondent No.2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 6th JANUARY 2025

ORAL JUDGMENT :-

. The issues involved in this Appeal are the future prospects is not given and consortium amount is given on lower side.

2. It is contention of the learned counsel for the Appellant's-Claimant's that, the Tribunal has considered Rs.15,000/- as annual income of the deceased, but the Tribunal has not awarded future prospects. The learned counsel further submitted that, the Tribunal has awarded consortium amount on lower side, it be awarded and requested to allow the Appeal.

3. It is contention of the learned counsel for the Respondent-Insurance Company that, the Tribunal has passed well reasoned order. The Tribunal has considered multiplier of 18. At the time of the accident, deceased was 27 years old, so it should be 17. Hence, requested to correct it and 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), Sangli.

5. The Tribunal has considered annual income of deceased at Rs.15,000/-, but while awarding compensation the Tribunal has not awarded future prospects. As per view of the Hon'ble Apex Court in the case of *National Insurance Co. Ltd. V/s. Pranay Sethi*¹, the Claimants are entitled for 40%, future prospects.

6. The Tribunal has awarded consortium amount on lower side. As per view of Hon'ble Apex Court in case of *Magma General Insurance Co. Ltd. V/s. Nanu Ram*², each claimant is entitled for Rs.48,000/- as consortium amount, Rs.18,000/- for funeral expenses and Rs.18,000/- for loss of estate. Though it is contention of the learned counsel for Respondent-Insurance Company that, the multiplier has wrongly applied, but it has not been challenged. Hence, I am considering the same multiplier.

7. Considering above calculation's the Claimants are entitled for following compensation.

1 2017 ACJ 2700 (SC)

2 2018 ACJ 2782 (SC)

Particulars	Amount
Annual Income	Rs.15,000/-
(+) Future Prospects (40% - Rs.6000/-)	Rs.21,000/-
After deduction of 1/4th for personal expenses (Rs.5,250/-)	Rs.15,750/-
Multiplier of 18 (Age 26)	Rs.2,83,500/-
Rs.15,750/- X 18	
Loss of Consortium 48000 X 4	Rs.1,92,000/-
Loss of Estate	Rs.18,000/-
Funeral Expenses	Rs.18,000/-
Deduction of Tribunal Awarded Amount	Rs.1,90,000/-
Enhanced Compensation	Rs.3,21,500/-

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

ORDER

(i) The Appeal is allowed.

(ii) The Claimants are entitled for enhanced compensation of Rs.3,21,500/- @ 7.5% interest per annum from the date of the filing of Claim Petition till realization of the amount. Out of this amount Rs.1,92,000/- is consortium amount, the Claimant's are entitled @ 7.5% interest on this amount from 1st November 2017, till realization of the amount.

- (iii) The Respondent-Insurance Company shall deposit enhanced amount along with accrued interest thereon, within six weeks from the receipt of this order.
- (iv) The Claimants are permitted to withdraw the deposited amount alongwith interest thereon.
- (v) The Claimant's shall deposit deficit Court fess on enhanced amount, if any.
- (vi) Record and Proceedings be sent back to the Tribunal.
- (vii) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)