

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

FIRST APPEAL NO. 844 OF 2022

- | | | |
|---------------------------------|---|--|
| 1. Alka Annaso Mule |] | |
| Age – 48 Years, Occu: Household |] | |
| 2. Annaso Shantappa Mule |] | |
| Age: 56 years, Occu: Nil, |] | |
| 3. Tejal Annaso Mule |] | |
| Age- 26 years, Occu: Education, |] | |
|
All R/o. Siddheshwar Galli, |] | |
| Kavalapur, Tal, Miraj, |] | |
| District: Sangli. |] | |

.... **Appellant
(Original
Claimants)**

Versus

- | | | |
|--|---|--|
| 1. Ravindra Kundalik Jadhav |] | |
| Age- 54 years, Occ: Business, |] | |
| A/p. 5166, Vadar Samaj, Vasahat, |] | |
| Ghumat Mala, Vita Sangli Road, |] | |
| Vita, Tal. Khanapur, District: Sangli. |] | |
| 2. The New India Assurance Co. Ltd. |] | |
| 426/28, Laxmi Towers, 1 st Floor, |] | |
| Konda Lane, Laxmipuri, |] | |
| Kolhapur. |] | |
| 3. Baburao Mureppa Kamble |] | |
| Age – 49 years, occ: Driver, |] | |
| R/o. Loni Kalbhor, Pashankar Bag, |] | |
| Haveli, District: Pune – 412 201 |] | |

.... **Respondents
(Original
Opponents)**

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Mr. Sourabh Patil i/b Mr. T. S. Ingale, Advocate for the Appellants - Claimants.

Mr. Ketan Joshi (Through VC), Advocate for Respondent No.2 – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER, 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 - Claimants that the deceased was in permanent service, but the Tribunal has considered future prospects at 40%, it should be 50%. Learned counsel further submitted that the deceased was doing agricultural work and getting Rs.3,00,000/- per annum, but the Tribunal has considered Rs.1,000/- per month, which is on lower side. Learned counsel further submitted that the Tribunal has not awarded consortium amount to each Claimants, it be awarded, and requested to allow the appeal.

3. It is contention of learned counsel for the Respondent No.2 – Insurance Company that the Tribunal has considered monthly

income of the deceased on higher side, it should be Rs.6,000/- per month. No evidence is produced on record to prove the agricultural income. The Tribunal has passed a well-reasoned order, no interfere is required in it, and requested to dismiss the appeal.

4. I have heard both learned counsel, perused judgment and order passed by the Motor Accident Claims Tribunal, Sangli (for short, “the Tribunal”).

5. Admittedly, the deceased was in permanent service, and at the time of accident, he was 24 year old. The Tribunal should have considered 50% future prospects, hence I am considering 50% future prospects.

6. It is Claimants’ case that the deceased was doing agricultural work and getting income at Rs.3,00,000/- per annum, but the Tribunal has observed that no evidence is produced on record in that regard, on that basis, the Tribunal has considered Rs.1,000/- monthly managerial loss. In my view, it is on lower side, I am considering is at Rs.2,000/- per month. The Tribunal has not awarded consortium amount to the Claimants. There are two Claimants. As per view of Hon’ble Apex Court in the case of *Magma General Insurance*

Company Limited Vs. Nanu Ram 2018 ACJ2782 (SC), each Claimant is entitled Rs.48,000/- for consortium amount, Rs.18,000/- for loss of estate, and Rs.18,000/- for funeral expenses.

7. Considering above calculations, the Claimants are entitled for following compensation.

Monthly income	Rs.17,970/-
Annual income	Rs.2,15,640/-
Less ½ personal deduction	Rs.1,07,820/-
Total income	Rs.1,07,820/-
Add: 50% future prospects	Rs.53,910/-
Total income	Rs.1,61,730/-
Multiplier 18 (Rs.1,61,730/- X 18)	Rs.29,11,140/-
Consortium amount Rs.48,000/- X 2 (Claimants)	Rs.96,000/-
Loss of estate	Rs.18,000/-
Funeral expenses	Rs.18,000/-
Total compensation	Rs.30,43,140/-
Less awarded by the Tribunal	Rs.25,95,864/-
Enhanced amount	Rs.4,47,276/-

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

ORDER

- i. The appeal is allowed.
- ii. The Claimants are entitled for enhanced amount of
Rs.4,47,276/- @ 7.5% interest per annum from the
date of filing claim petition, till realization of the

amount.

- iii. The Respondent No.2 – Insurance Company shall deposit the enhanced amount along with accrued interest thereon, within six weeks after receipt of this order.
 - iv. The Claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
 - v. The Claimant shall pay the deficit Court fees on enhanced amount, if any, as per Rules.
 - vi. Record and Proceeding be sent back to the Tribunal.
9. In view of disposal of appeal, all pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)