

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

FIRST APPEAL NO. 55 OF 2008

- | | |
|--------------------------------------|---|
| 1. Kusum Vijay Pandhare |] |
| Age- 390, Occupation: Household |] |
| 2. Balasaheb Vijay Pandhare |] |
| Age- 20 years, Occupation: Education |] |
| 3. Dhiraj Vijay Pandhare, |] |
| Age- 17, Occupation: Education |] |

[Petitioner No.3 is minor	]
Through their g.A. H. Petitioner No.1	]
All resident of Kasabe Digraj,	]
Tal: Miraj, District: Sangli]	]

.... **Appellants**

Versus

- | | |
|--|---|
| 1. Chimanbhai Hanasraj Patel, |] |
| Age: Major, Occupation: Owner of |] |
| MH.10/C/3545. |] |
| Resident of Miraj Housing Society, Sangli. |] |
| 2. The New India Assurance Co. Ltd. |] |
| Sangli [Policy No.31/153300/03380 |] |
| Valid from 18/01/1999 to 17/01/2000 |] |
| (Summons to be served on its Division |] |
| Office Mata Building Ambedkar Road |] |
| Sangli.) |] |
| 3. Nitinkumar Damajibhaji Dadhaniya |] |
| Age: 30 years, Occ: Driver, |] |
| D.L. No. MH. 10/95/2486 valid from |] |
| 19/01/1995 to 18/09/2015. |] |
| R/0. Shinde Mala Kalanagar Old Kupwad |] |
| road, Sangli. |] |

.... **Respondents**

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2025.10.14
14:46:26
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(Original
Opponents)

Mr. Sourabh Patil a/w Ms. Vrunali Vilankar i/b Mr. T. S. Ingale,
Advocate for the Appellants.

Mr. Atharva R. B. i/b Ms. Poonam Mittal for the Respondent -
Insurance Company

Adv. Benazir Jamadar i/b Mr. Umesh Mankapure, Advocate for
Respondent No. 3

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2025.

ORAL JUDGMENT. :

1. By this appeal, the Appellants are seeking enhancement of compensation.

2. It is contention of learned counsel for the Appellants that the deceased was working in Agricultural school as a labourer and getting monthly salary at Rs.4,325/-, but the Tribunal has considered his monthly income at Rs.2,013/-, which is on lower side.

Learned counsel further submitted that the Tribunal has not awarded future prospects and consortium amount is awarded on lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the Respondent – Insurance Company that the Tribunal has considered correct monthly

income of the deceased. Learned counsel further submitted that the Tribunal has applied wrong multiplier at 15, it should be 14. Learned counsel further submitted that the Tribunal has passed a well-reasoned order, no interference 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. To prove the income of the deceased, the Claimants have examined Claimant No.1 Kusum Pandhare at Exhibit – 33. She has stated that her husband was serving in agricultural school since 1985 as a labourer and he was getting an amount of Rs.4,325/- as monthly income. The salary certificate is produced on record which is at Exhibit – 41.

6. While dealing with the issue of income, the Tribunal has considered monthly income of the deceased at Rs.2,013/-. I am unable to understand the observations of the Tribunal, the deceased was in permanent service and he was getting salary at Rs.4,325/-. The salary certificate is produced on record, but the Tribunal has not considered this fact. Considering the salary certificate, minus

professional tax of Rs.90, the monthly income of the deceased comes to Rs.4,235/-. I am considering this income as monthly income of the deceased. The Tribunal has not awarded future prospects. As per view of the Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi 2017 ACJ 2700 (SC)***, the Claimants are entitled for 30% future prospects. The Tribunal has applied multiplier of 15, it should be 14. The Tribunal has awarded consortium amount on lower side. As per view of the 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/- as consortium amount and Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses.

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

Monthly income	Rs.4,325/-
Annual income	Rs.50,820/-
Less 1/3rd personal deduction	Rs.16,940/-
Total income	Rs.33,880/-
Add: 30% future prospects	Rs.10,164/-
Total income	Rs.44,044/-
Multiplier 14 (Rs.44,044/- X 14)	Rs.6,16,616/-
Consortium amount Rs.48,000/- X 3 (Claimants)	Rs.1,44,000/-
Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs.18,000/-

Total Compensation amount	Rs.7,96,616/-
Less awarded by the Tribunal	Rs.2,50,560/-
Enhanced amount	Rs.5,46,056/-

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

ORDER

- i. The appeal is allowed.
- ii. The Appellants/Claimants are entitled Rs.5,46,056/-
@ 7.5% interest per anum from the date of filing claim petition till realization of the amount. Out of this amount, the consortium amount at Rs.1,80,000/-, the Claimants are entitled interest on this amount @ 7.5% interest from 1st November, 2017, 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. Record and Proceedings be sent back to the Tribunal.
9. all pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)