

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO. 13 OF 2008

HARISH
VITHAL
CHAUDHARI

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|--|---|----------------|
| 1. Smt. Mangal Rajaram Patil, |] | |
| Aged:42 years, Occupation: Household, |] | |
| 2. Shri Abhijit Rajaram Patil, |] | |
| Aged: 22 years, Occupation: Education. |] | |
| 3. Chandrajit Rajaram Patil, |] | |
| Aged; 21 years, Occupation: Education, |] | |
| all the Appellant Nos. 1 to 3 are residing at |] | |
| Kavathe Piran, Taluka: Miraj, District Sangli. |] | |
| | | ... Appellants |

Versus

- | | | |
|---|---|-----------------|
| 1. The Maharashtra State |] | |
| Road Transport Corporation, |] | |
| Divisional Controller, |] | |
| The M.S.R.T.C. Sangli, District Sangli. |] | |
| 2. Shri Baburao Janardhan Koli |] | |
| Aged: 41 years, Occupation: S.T. Bus Driver |] | |
| S.T. Bus Depot, Tasgaon, District Sangli. |] | |
| | | ... Respondents |

Mr. Sudhakar G. Thorat Advocate for the Appellants.
None for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th DECEMBER, 2025.

JUDGMENT. :

1. This appeal is preferred by the appellants-claimants, against the judgment and order passed by the Motor Accident Claims Tribunal, Sangli (for short "the Tribunal)
2. It is contention of learned counsel for the appellants-claimants that the deceased was doing agriculture and milk business and earning Rs.1,20,000/- per annum, but the Tribunal has considered his monthly income at Rs. 3000/- per month, which is on lower side. Learned counsel further submits that the Tribunal has not awarded future prospects and the consortium amount awarded by the Tribunal is on lower side. Hence, requested to allow the appeal.
3. Though the respondent no.1-corporation is served, none present for the respondent no.1-corporation, hence, I am deciding this appeal on merit.
4. I have heard learned counsel for the appellant-claimants. Perused judgment and order passed by the Tribunal.
5. It is claimants case that the deceased was doing agriculture and milk business. To prove the income of the deceased, the claimants have examined claimant no. 1. She has stated that originally the deceased was holding 30 gunthas land, but, thereafter the deceased

on his own purchased 6.5 acre land. It shows that the deceased was earning handsome amount. The deceased was also doing milk business. He was earning Rs.1,20,000/- per annum. To prove the income from milk business, the claimant no. 1 has examined herself at Exhibit-20. She has stated that the deceased used to sale milk and earning Rs.900/- to Rs.1000/- per week. While dealing with issue of income the Tribunal has not considered these facts and considering the evidence on record the tribunal has considered notional monthly income of the deceased at Rs. 3,000/- per month. In my view, it is on lower side. It has come on record that the deceased had purchased the agricultural land and he was doing the milk business hence, I am considering Rs.4,000/- as monthly income of the deceased.

6. While awarding compensation, the Tribunal has not awarded future prospects. As per the view of Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi 2017 ACJ 2700 (SC)***, the claimants are entitled for 20% future prospects. The Tribunal has awarded consortium amount on lower side. As per the 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 for Rs.48,000/- as consortium amount, Rs.18,000/- funeral

expenses and Rs.18,000/- for loss of estate.

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

Annual Income (4,000/- X 12)	Rs.48,000/-
Add: 25% future prospects	Rs.12,000/-
Total Annual Income	Rs.60,000/-
Less 1/3rd amount for personal expenses	Rs.20,000/-
Total	Rs.40,000/-
Multiplier 15 (Rs.40,000/- X 13)	Rs.5,20,000/-
Loss of consortium Rs.48,000/- X 3 (Claimants)	Rs.1,44,000/-
Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs. 18,000/-
Total amount of compensation	Rs.7,00,000/-
Less awarded by the Tribunal	Rs. 3,19,000/-
Enhanced amount	Rs.3,81,000/-

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

I. ORDER

II. The appeal is allowed.

III. The appellants/claimants are entitled for enhanced compensation of **Rs.3,81,000/-** @ 7.5% interest from the date of filing claim petition till realization of the amount. Out of this amount **Rs.1,80,000/-** is consortium amount, the claimants' are entitled @ 7.5% interest on it from 1st November 2017, till realization of the amount.

IV. The respondent no.1 - corporation shall deposit

the enhanced compensation amount along with accrued interest thereon, within six weeks after receipt of this order.

- V. The appellants/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
 - VI. The claimants shall pay the deficit Court fees on enhanced amount, if any, as per Rule.
 - VII. Record and Proceedings be sent back to the Tribunal.
9. In view of the above, the appeal is allowed and disposed of.
10. All pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)