

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 789 OF 2016**

1. Jagonda Jingonda Patil,
Since Deceased by LRs

2. Jitendra Jagonda Patil
Age:45 years, Occ: Agriculturist,

3. Jinendra Jagonda Patil,
Age: 41 years, Occ: Business
Claimant Nos. 1 to 3 are r/o Vivekanand
Housing Society, Kupwad Road, Sangli

4. Manisha Gundu Patil,
Age: 43 years, Occ: Houshold work,
R/o Majale, Tal: Hatkanangale,
Dist: Kolhapur

....Appellants

Versus

1. Mr. Suyog Mohan Lakamble,
Age: Major, Occu: Transport
R/o Uttur, Tal: Ajara, Dist. Kolhapur.

2. Shriram General Insurance Co. Ltd.
Sterling Tower, 3rd Wing, 1st Floor,
Shoop No. 5, Gavati Mandai Road,
Kolhapur.

3. Yeshwant Mahadeo Yadav,
Age: 35 years, Occu: Driver,
R/o Mumewadi, Tal: Ajara,
Dist: Kolhapur.

....Respondents

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.10.13
20:03:35
+0530

Ms. Vrunali Vilankar i/b Mr. Tejpal Ingale for the appellants
Ms. Shalini Shankar a/w Mr. Avesh Ghadge for the respondent
insurance company

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th OCTOBER, 2025.

ORAL JUDGMENT:

1. This appeal is preferred for enhancement of compensation against the Judgment and Order dated 18th September 2015 passed by The Motor Accident Claims Tribunal (For short, 'the Tribunal') Sangli in Motor Accident Claim Petition No. 208 of 2013.

2. It is contention of the learned counsel for the appellants that the deceased was a housewife and the Tribunal has considered her notional monthly income at Rs. 3000/-. It should be considered at Rs. 5000/- as per view of the Hon'ble Apex Court in the case of *Arun Kumar Agrawal & Anr Vs. National Insurance Co. Ltd. & Ors*¹ and *Rajendra Singh & Ors Vs. National Insurance Co. Ltd. & Ors*². Learned counsel further submitted that the consortium awarded is on lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for respondent insurance company that the deceased was a housewife. She had no source of

1 (2010) 9 SCC 218

2 (2020) 7 SCC 256

income. The Tribunal has properly considered her notional income at Rs. 3000/- and on that basis compensation is awarded which is legal and valid, no interference is required in it. Hence, requested to dismiss the appeal.

4. I have heard both the learned counsels, perused the impugned Judgment and Order. While dealing with issue of income, the Tribunal has observed that the deceased was housewife. On that ground, the Tribunal has considered notional monthly income of the deceased at Rs. 3000/-. As per view of the Hon'ble Apex Court in the case of *Arun Kumar Agrawal* and *Rajendra Singh*, (supra) the monthly income of the housewife should be at Rs. 5000/-. Hence, I am considering income of the deceased at Rs. 5000/- per month. The Tribunal has awarded consortium amount on lower side. As per view of Hon'ble Apex Court in the case of *Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)*, the claimants are entitled for consortium amount of Rs. 48,000/- each, Rs. 18,000/- for loss of estate and Rs. 18,000/- for funeral expenses.

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

Monthly income	Rs. 5000/-
Yearly income	Rs. 60,000/-
Total	Rs. 60,000/-

Less 1/3 for personal deduction	Rs. 40,000/-
Total per annum	Rs. 40,000/-
Multiplier 7 (Rs. 40,000/- X 7)	Rs. 2,80,000/-
Consortium Rs. 48,000/- X 4 (claimants)	Rs. 1,92,000/-
Loss of Estate	Rs. 18,000/-
Funeral Expenses	Rs. 18,000/-
Total compensation	Rs. 5,08,000/-
Less Awarded by the Tribunal	Rs. 2,93,000/-
Enhanced amount	Rs. 2,15,000/-

6. In view of above, I pass following Order:

ORDER

I. The Appeal is allowed.

II. The claimants are entitled for enhanced compensation of **Rs. 2,15,000/-** at **7.5%** interest per annum from the date of filing claim petition till realization of the amount.

Out of this amount, **Rs. 1,00,000/-** is consortium amount, the claimants are entitled @ 7.5% interest per annum on it from 1st November 2017, till realization of the amount.

III. The Respondent No. 2-Insurance Company shall deposit enhanced compensation amount along with accrued interest thereon, within a period of six weeks from the date of receipt of this order.

IV. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

V. The claimants shall pay deficit Court fees on enhanced amount, as per Rule.

VI. Record and proceedings be sent back to the Tribunal.

7. All pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)