

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.846 OF 2022**

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- 1) Mr. Prakash Sahadeo Dhule,
63 Age yrs., Occ.: Nil, and
- 2) Smt. Jyoti Prakash Dhule,
Age 58 years, Occ. Housewife,
All R/o, At & Post Wayangni,
Tal. Malvan, Dist. Sindhudurg. ...Appellants

Versus

- 1) Keshav Nabaji Khude.
Age 32 years, Occ.: -Driver,
R/o. At & Post Nanadval,
Tal. Koregaon, Dist. Satara,
- 2) M/s. Southern India Transport Service,
Gala No. 13, B-3, 1st Floor,
Pritesh Compound, Walpada road,
Tal. Bhivandi, Dist. Thane
- 3) The New India Assurance Company
Guru Govind Nivas, Kalyan,
Through its Kudal Branch,
Tal. Kudal, Dist. Sindhudurg.
- 4) M/s. Maruti Travels,
Prop. Subhash J. Sawant, 604,
6th Floor, Kokan Vishav Bldg,
Kokan Nagar, Jogeshwari (E),
Mumbai
- 5) M/s. Future Generali India
Ins. Co. Ltd. IIIrd Floor,

East Wing, Forbes Building
Charanjeet Ray Marg, Fort Mumbai. ...Respondents

Mr. Hemant Ghadigaonkar for the Appellant.
Mr. Rajesh Kanojia i/b Res Juris for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th DECEMBER, 2025

JUDGMENT :-

1. This appeal is preferred by the appellants-claimants for enhancement of compensation amount.
2. It is contention of learned counsel for the appellants-claimants that the deceased was housewife. The Tribunal has considered her monthly income at Rs.4,000/- which is on lower side. Learned counsel further submits that consortium amount awarded by the Tribunal is on lower side, hence requested to allow the appeal.
3. It is contention of learned counsel for respondent/insurance company that no documents are produced on record to prove the income of the deceased. The Tribunal has passed well reasoned order. No interference is required in it, hence, requested to dismiss the appeal.
4. I have heard both learned counsel, perused impugned judgment and order passed by the Tribunal.

5. Admittedly, the deceased was housewife. The Tribunal has considered her notional monthly income at Rs.4,000/- In my view, it is on lower side. Hence I am considering at Rs.6,000/- as notional monthly income of the deceased.

6. 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 40% 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.

Monthly Salary Income	Rs.6,000/-
Add: 40% future prospects	Rs.2,400/-
Total Annual Income	Rs.8,400/-
Less 1/3 deduction towards personal expenditure	Rs.2,800/-
Total Monthly Income	Rs.5,600/-
Total Annual Income (Rs.5,600/-X12)	Rs.67,200/-
Multiplier 17 (Rs.67,200/- X 17)	Rs.11,42,400/-
Loss of consortium Rs.48,000/- X 2 (2 Claimants)	Rs.96,000/-

Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs. 18,000/-
Total amount of compensation	Rs.12,74,400/-
Less awarded by the Tribunal	Rs.7,91,600/-
Enhanced compensation	Rs.4,82,800/-

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

ORDER

- I. The First Appeal is allowed.
- II. The appellant/claimants are entitled for enhanced compensation of **Rs.4,82,800/-** @ 7.5% interest from the date of filing claim petition till realization of the amount. Out of this amount, **Rs.1,32,000/-** is consortium amount, the claimants' are entitled @ 7.5% interest on it from 1st November 2017, till realization of the amount.
- III. The respondent/insurance company shall deposit the enhanced compensation amount along with accrued interest thereon, within six weeks after receipt of this order.
- IV. The appellants/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
- V. The claimants shall pay the deficit Court fees on enhanced amount, if any, as per Rule.

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

9. In view of the above, the appeals are allowed and disposed off.

10. All pending applications, if any, stand disposed off.

[SHIVKUMAR DIGE, J.]