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

FIRST APPEAL NO. 149 OF 2025
WITH
INTERIM APPLICATION NO. 505 OF 2025
IN
FIRST APPEAL NO. 149 OF 2025

1. Sou Rajabai Shahaji Shinde,
Age: 54 years, Occ. Household,

2. Shri. Sahaji Ramchandra Shinde,
Age: 57 years, Occ. NIL,

3. Sou. Sonali Kailash Jadhav,
Age: 30 years, Occ: Housewife,
All R/o. Dighanchi,
Tal-Atpadi, Dist-Sangli ...Appellants/Applicants
(Orig. Claimants/Applicants)

Versus

1. Revan Ramu Chavan
(Since deceased through legal heirs).

1.A Smt. Ranjana Revan Chavan
Age-59 years, Occ.- Housewife

1.B Dattatraya Revan Chavan
Age-38 years, Occu- Agricuture

Both are R/o. Lavang, Tal. Malshiras,
Dist. Solapur, Pin Code: 413108

2. Santosh Revan Chavan
Age-36 years, Occu- Vehicle driver
R/o- Lavang, Tal Malshiras,
Dist- Solapur.

3. Branch Manger
United India Insurance Company Limited
Samarth Mansion, Mahavirnagar,
Near Dena Bank, Vakhar Bhag, Sangli ...Respondents

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Mr. Avesh Ghadge, Advocate for Appellants.

Ms. Varsha Chavan for Respondent-Insurance Company.

Mr. Rushabh D. Phade for Respondent Nos.1A, 1B and 2.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 18th NOVEMBER, 2025

ORAL JUDGMENT:

1. The Appellants - Claimants have preferred this appeal for enhancement of compensation.

2. It is contention of learned counsel for the Appellants-claimants that at the time of accident, the deceased was 32 years old. He was the sole earning member of his family, but the Tribunal has considered his monthly income on notional basis at Rs.6,000/- per month which is on lower side. The Tribunal has awarded rate of interest on compensation amount at the rate of 7%. It is on lower side. Hence, requested to allow the appeal. He relied on **Shaikh Sadik Shaikh Rafique Vs. Reliance General Insurance Co. Ltd and Others**[1].

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3. It is contention of the learned counsel for Respondent-Insurance Company that no evidence is produced on record to prove the income of the deceased. The claimant No.3, who is married sister of the deceased was examined to prove income of the deceased. She was not staying with him. The Tribunal has considered correct notional income of the deceased. No interference is required in it. Learned counsel further submitted that the deceased was unmarried but the Tribunal has considered 1/3rd amount for personal expenses, which is erroneous and requested to dismiss the appeal.

4. It is contention of learned counsel for the respondent owner that appropriate order be passed.

5. I have heard all the learned counsels. Perused the Judgment and order passed by the Tribunal.

6. As per the view of the Hon'ble Supreme Court in **Shaikh Sadik Shaikh Rafique Vs. Reliance General Insurance Co. Ltd and Others (Supra),** I am considering the monthly income of the deceased at Rs.13,000/- per month.

7. It is contention of learned counsel for the Respondent-Insurance Company that the Tribunal has deducted 1/3rd amount for personal expenses. The deceased was unmarried, hence, it should be

½.. I find merit in it. The deceased was unmarried, hence, I am considering the deduction of personal amount at **½.**

8. It is contention of learned counsel for Appellants-Claimants that the Tribunal has awarded rate of interest @ 7% p.a. In my view, it is on lower side. I am considering it @ 7.5% p.a. on enhanced amount.

9. Considering the above calculation, the claimants are entitled for following compensation:-

Particulars	Amount
Income	Rs.13,000/- p.m.
Multiplier as '16' [13,000 X 12 Months X 16]	24,96,000/-
Future prospects @ 40%	9,98,400/-
Personal Expenses Deduction ½ 24,96,000+9,98,400=**34,94,400/-**	17,47,200/-
Loss of consortium	80,000/-
Loss of estate	15,000/-
Funeral expenses	15,000/-
Total	**18,57,200/-**
Less Awarded by Tribunal	**11,85,200/-**
Total enhanced amount =	**6,72,000/-**

10. In view of the above, I pass following order :

ORDER

(i) The Appeal is allowed.

(ii) The claimants are entitled for enhanced amount of **Rs.6,72,000/-** at the rate of **7.5%** per annum from the date of filing claim Petition till realisation of amount.

(iii) The Appellant - Insurance Company shall deposit the enhanced amount along with accrued interest thereon, within 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 the deficit Court fees on enhanced amount, if any, as per Rule;

(vi) Record and Proceedings be sent back to the Tribunal.

11. The Appeal is disposed off in the aforesaid terms.

12. All pending interim applications, if any also stand disposed off.

(SHIVKUMAR DIGE, J.)