IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 2037 OF 2024

	The General Manager Shriram General Insurance Company Ltd. Regd. Address – 601, 6th Floor, B-Wing, Rounak Arked, Gokhale Road, Thane West – 400 602	))))	Appellant
	versus		
1	Dnyaneshwar Tukaram Jundare Age – 50 years, Occu - labour	))	
2	Sou. Sundarabai Dyaneshwar Jundare Age 48 Years, Occu – Household R/o. Andarsul, Tal. Yeola Dist. Nashik	))))	
3	Sadiqkhan Shabbir Khan Age 50 years, Occu – Owner of the Vehicle, R/o. Ajaj, 146 Jabaran Colony, Begam Bag, Ujjain, MP	))))	Respondents

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2025.12.16 13:50:45 +0700

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Ms. Shalini Shankar, Advocate for the Appellant.
Mr. Pritesh K. Bohade, Advocate for the Respondent No.1 and 2.

CORAM : R. M. JOSHI, J.

DATE : 9th DECEMBER, 2025.

ORAL JUDGMENT :

1. By consent of both the sides heard finally at the stage of admission.

2. This appeal filed under Section 173 of Motor Vehicles Act takes exception to Judgment and Award dated 20.02.2024 passed in M.A.C.P. No. 87 of 2018, whereby compensation of Rs.11,40,000/- is granted to

claimants with interest @7% p.a. from the date of application till realisation of amount.

3. This appeal has been filed essentially on the ground that the Tribunal has committed error in deducting 1/3rd amount towards personal expenses of the deceased instead of 1/2. Learned counsel for the appellant submits that admittedly the deceased was aged about 30 years and was unmarried and was not having more number of family members dependent upon him. In such circumstances, in the view of ***Sarla Verma & Ors vs Delhi Transport Corp. & Anr.***[1], deduction towards personal expenses be considered as 1/2 instead of 1/3.

4. Learned counsel for the respondent Nos. 1 and 2/original claimants opposed the appeal.

5. In case of ***Sarla Verma*** (supra) the Hon'ble Supreme Court has held that in case of death of unmarried person, half of the income should be treated towards his personal expenses. Of course in some other judgments it is held by the Hon'ble Supreme Court that where the members of family of deceased are more, even an unmarried person is expected to spent more on them than self. Here in this case however there are only two dependents on him. Hence, the judgment in case of the ***Sarla Verma*** (supra) would have square application. Consequently, it is held that learned Tribunal has committed error in deducting 1/3rd amount towards

1 AIR 2009 SC 3104

his personal expenses instead of 1/2. This needs correction. The appeal, therefore, stands partly allowed.

6. The Claimants would be entitled for compensation which is as under:

Particulars	Rs.	Amount
Income	Rs.	6,000/-
Future Prospects 40%	Rs.	2,400/-
Total	Rs.	8,400/-
Dependency (2 dependents) - 1/2	Rs.	4,200/-
Multiplier 15 (4,200 X 12 X 15)	Rs.	7,56,000/-
Consortium (48,000 X 2)	Rs.	96,000/-
Funeral Expenses	Rs.	18,000/-
Loss of Estate	Rs.	18,000/-
Total	Rs.	8,88,000/-
Compensation awarded by Tribunal	Rs.	11,40,000/-
Refund amount	**Rs.**	**2,52,000/-**

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

ORDER

i. The appeal is allowed.

ii. Respondent Nos. 1 and 2 /claimants are entitled for amount of Rs.8,88,000/- @7.5% interest per annum from date of filing claim petition till realisation.

iii. The respondent Nos. 1 and 2 / claimants shall deposit the refund amount of Rs.2,52,000/- along with

accrued interest thereon before the Tribunal within six weeks from the receipt of the order.

iv. The claimants are permitted to withdraw the amount deposited by the respondents along with accrued interest thereon.

8. The appeal is disposed of. All pending applications if any also disposed of.

(R. M. JOSHI, J.)