

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.48 OF 2024**

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|---|---|------------------------------|
| 1 | Sultana Salim Inamdar
Age 51 years, Occu : Household | |
| 2 | Salim Ibrahim Inamdar
Age 56 years, Occu : Labour | |
| 3 | Rajiya Salim Inamdar
Age 30 years Occu Household | |
| 4 | Jasmin Salim Inamadar
Age 26 years Occu: Household | |
| 5 | Parvin Salim Inamdar
Age 20 years, Occu : Education,
All above are R/o: 255,
Prakash Nagara, Karad, Dist : Satara. | Appellants
Org.Applicants |

Versus

- | | | |
|---|--|--------------------------------|
| 1 | Rajendrasingh Laxmansing Rajput
Age 55 years, Occ – Transport. | |
| 2 | The Divisional Officer,
National Insurance Co. Ltd.,
Branch Satara, Tal & Dist : Satara. | Respondents
Org. Respondent |

Ms. Shraddha Pawar i/b. Mr. Nilesh S. Patil, Advocate for the Appellants.
Ms. Poonam Mital, Advocate for Respondent No.2-Insurance Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th JULY, 2025.

Judgment :

1. This appeal is preferred by the appellants/claimants for enhancement of compensation.

2. It is contention of learned counsel for the claimants that the deceased was working as Senior Officer in Software Development Department and was getting salary of Rs.11,450/- but the Tribunal has

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considered his monthly income at Rs.7,000/- pm which is on lower side. Learned counsel further submitted that the Tribunal has not given future prospects. Hence, requested to allow the appeal.

3. It is contention of learned counsel for Respondent No.2- Corporation that in the claim petition, the claimants have claimed monthly income of deceased at Rs.10,842/-. On that basis, the Tribunal has considered monthly income of the deceased at Rs.7,000/- per month, which is proper. The Tribunal has passed well reasoned order, no interference is required in it and requested to dismiss the appeal.

4. I have heard both learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Karad (for short "the Tribunal").

5. To prove the income of the deceased, the claimant No.2- Salim Inamdar has examined himself. He has stated that the deceased was working in Indiacom Limited Co. in Software Development Department and he was getting salary of Rs.11,450/- per month. After deducting provident fund, tax and medical expenses, he was getting salary of Rs.10,842/- per month. Nothing elicited in cross-examination of this witness.

6. The claimants have examined PW2-Shrikant Sakhare, Pay Role Officer in Indiacom Ltd.Co., Pune. He has stated that the deceased was working as Senior Software Officer in their Company and he was

getting salary of Rs. 11648/-. The salary certificate is at Exhibit-43. In cross-examination, he has stated that he has not brought appointment letter of the deceased with him.

7. While dealing with the issue of income of the deceased, the Tribunal has observed that after deducting HRA, personal allowances, conveyance, canteen and medical allowances, the Tribunal has considered the income of the deceased at Rs.7,000/- per month. I am unable to understand the observations of the Tribunal as the deceased was working as Senior Software Officer, PW2 has produced salary certificate which shows that deceased was getting salary of Rs.11,658/- per month. There is no reason to disbelieve the evidence of this witness, hence, I am considering Rs.11,000/- as monthly income of the deceased after deducting professional tax and income tax.

9. The Tribunal has not awarded future prospects. As per the view of Hon'ble Apex Court in the case of **National Insurance Co. Ltd. vs. Pranay Sethi, 2017 ACJ 2700 (SC)**, the claimants are entitled for 50% future prospects.

10. The Tribunal has awarded consortium amount on lower side. There are five claimants. As per the view of Hon'ble Apex Court in **Magma General Insurance Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC)**, each claimant is entitled for Rs.48000/- as consortium amount, Rs.18,000/- for loss of estate and Rs.18000/- for funeral expenses.

11. The Tribunal has awarded 1/2 deduction towards personal expenses. Since there are five claimants, the amount towards personal deductions should be 1/4th and I am considering it.

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

Particulars	Rs.	Amount
Annual Income (Rs.11,000/- x 12)	Rs.	1,32,000.00
50% future prospects	Rs.	66,000.00
Total	Rs.	1,98,000.00
1/4 deduction towards personal expenses	Rs.	16,500.00
Total	Rs.	1,48,500.00
Rs.1,48,500/- x 17(multiplier)	Rs.	25,24,500.00
Consortium (Rs.48,000/- x 5 (claimants))	Rs.	2,40,000.00
Funeral Expenses	Rs.	18,000.00
Loss of Estate	Rs.	18,000.00
Total Compensation	Rs.	28,00,500.00

The Tribunal has awarded Rs.7,50,000/-, if this amount is deducted from the amount of Rs.28,00,500/- considered by this Court, it comes to Rs.20,50,500/-. The claimants are entitled for this amount.

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

O R D E R

- (1) The appeal is allowed.
- (2) The claimants are entitled for enhanced compensation of Rs.20,50,500/ @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount. Out of

this amount, Rs.2,76,000/- is consortium amount, the claimants are entitled @ 7.5% interest per annum on this amount from 1st November 2017 till realisation of the amount.

- (3) Respondent No.2-Insurance Company shall deposit the enhanced amount along with accrued interest thereon within eight weeks from the receipt of this order.
 - (4) The claimants are permitted to withdraw the enhanced amount along with accrued interest thereon.
 - (5) The claimants shall pay deficit court fees on enhanced amount, if any, as per Rule.
 - (6) Record and Proceedings be sent back to the Tribunal.
14. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)