

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 619 OF 2024

Reliance General Insurance Company Limited
Through its Manager Legal Mr. Priyank Shah
4th Floor, Chintamani Avenue,
Off Western Express Highway, Goregaon-East,
Mumbai

... Appellant

Versus

- 1 Dipti Nitin Sankpal
Aged about 33 years
Widow of the deceased
- 2 Savita Shankar Sankpal
Aged about 60 years
Mother of the deceased
- 3 Srushti Nitin Sankpal
Age about 8 years, Daughter of the deceased
- 4 Dhruv Nitin Sankpal
Age about 3 years
Son of the deceased

Sine the Applicant Nos. 3 and 4 are minor,
Through their mother and next friend
Smt. Dipti Nitin Sankpal
All Residing at : Shivshakti Park
503-504, 5th Floor, N.M.Joshi Marg,
Mumbai – 400 011

- 5 Tanaji Mahadev Wanmane
At Mahape, Post Ghansoli
Navi Mumbai – 400 707

... Respondents

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Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the Appellant.
Mr. S.R.Gupta, Advocate for Respondent Nos. 1 to 4.

CORAM : SHIVKUMAR DIGE, J.
DATED : 23rd JULY, 2025.

ORAL JUDGMENT :

1. This appeal is preferred by the Appellant / Insurance Company against the Judgment and Order passed by the Motor Accident Claims Tribunal, Mumbai (for short “the Tribunal”).

2. It is contention of learned counsel for the appellant / Insurance Company that the Tribunal has awarded 50% future prospects. At the time of accident, the deceased was in service and he was 40 years old. Future prospects should be 30% and consortium amount is awarded on higher side, hence requested to allow the appeal.

3. It is contention of learned counsel for the respondent Nos. 1 to 4/claimants that the Tribunal has passed well reasoned order. No interference is required in it and requested to dismiss the appeal.

4. I have heard both the learned counsel. Perused Judgment and order passed by the Tribunal. At the time of accident, the deceased was 40 years old and he was in service. The Tribunal has awarded 50% 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 30% future prospects as the deceased was not a permanent employee.

The Tribunal has awarded consortium on higher side. As per the view of the Hon’ble Apex Court in the case of ***Magma General Insurance***

Co. Ltd. vs. Nanu Ram, 2018 ACJ 2782 (SC) , each claimant is entitled to Rs.48,000/- as consortium amount, Rs.18,000/- as a funeral expenses, Rs.18,000/- for loss of estate.

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

Particulars	Rs.	Amount
Income	Rs.	35,500/-
30% Future Prospects	Rs.	46,150/-
Total Rs. 46,150 X $\frac{1}{4}$ Deduction X 15 (multiplier) X 12	Rs.	62,30,250/-
Consortium (48,000 X 4)	Rs.	1,92,000/-
Loss of Estate	Rs.	18,000/-
Funeral Expenses	Rs.	18,000/-
Total	Rs.	64,58,250/-
Compensation awarded by Tribunal	Rs.	74,38,750/-
Refunded to Insurer	Rs.	9,80,500/-

The Tribunal has awarded Rs.74,38,700/- as compensation, if this amount deducts from the compensation amount considered by this Court, it comes to Rs.9,80,500/-. This is excess amount.

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

ORDER

- i. The appeal is allowed.
- ii. The appellant/Insurance company is permitted to withdraw Rs.9,80,500/- along with proportionate

interest.

- iii. The claimants are permitted to withdraw balance amount along with proportionate interest.
- iv. The statutory amount along with interest be transmitted to the Tribunal. The parties are at liberty to withdraw it as per Rule.
- v. R & P be sent back to the Tribunal.

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

SONALI
SATISH
KILAJE

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by SONALI
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(SHIVKUMAR DIGE, J.)