

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.822 OF 2024

1. Bhimrao Ramchandra Lad	}	
Age-55 years, Occ: Agriculture	}	
	}	
2. Indubai Bhimrao Lad	}	
Age-50 years, Occ: Household	}	
Both are R/at Kundal, Taluka-Palus,	}	
District-Sangli.	}	...Appellants

Versus

1. National Insurance Co. Ltd.	}	
Having office at Amrai Road, Near LIC	}	
Building, Sangli.		
 2. Laxman Vishnu Patil	 }	
Age-65 years, Occ: Agriculture & Trading	}	
R/at Devrashtre, Taluka-Kadegaon,	}	
District-Sangli.	}	...Respondents

Mr.Bhushan Walimbe a/w Mr.Mayank Tripathi, for the Appellants.

Ms.Shalini Shankar, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th AUGUST 2025

ORAL JUDGMENT :-

. This appeal is preferred by the Appellants-Claimants seeking enhancement of the compensation.

2. It is contention of the learned counsel for the Appellant that, the deceased was wrestler. He was studying in second year of B.A., but the Tribunal has considered his monthly income at Rs.3,000/- per month, which is on lower side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondents-Insurance Company, that the Tribunal has passed well reasoned order, no interference is required in it. The learned counsel further submitted that, no evidence is produced on record to prove the income of the deceased and requested to dismiss the Appeal.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal', for short), Sangli.

5. It is Claimants case that, the deceased was wrestler by profession and he was studying in Second year of B.A. At the time of the accident, the deceased was 20 years old. To prove the income of the deceased the Claimants have examined Claimant No.1. He has stated that, at the time of the accident, deceased

was 21 years old and he was student of second year B.A. and was earning Rs.5,000/- to Rs.6,000/- per month. He has further stated that, the deceased was good wrestler and had received several medals, and he was earning income from agriculture field. Exhibit-37 is 7/12 extract showing ownership of agricultural land in the name of deceased. Nothing elicited in cross-examination of this witness.

6. While dealing with the issue of income of the deceased, the Tribunal has observed that, the deceased was not in employment and after the death of deceased, agricultural income is continued. On that ground, the Tribunal has considered monthly income of the deceased at Rs.3,600/- i.e. Rs.150/- per day. I am unable to understand the observations of the Tribunal. The deceased was getting income from agricultural field. The documents produced on record shows that, the deceased was wrestler and he was studying in Second Year of B.A.. Considering these facts, I am considering monthly income of the deceased at Rs.6,000/- per month.

7. The Claimants are entitled for 40% future prospects.

As per view of the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd. V/s. Pranay Sethi***¹.

8. The consortium is awarded on lower side. As per view of Hon'ble Apex Court in case of ***Magma General Insurance Co. Ltd. V/s. Nanu Ram***², each claimant is entitled for Rs.48,000/- as consortium amount, Rs.18,000/- for funeral expenses and Rs.18,000/- for loss of estate. Considering above calculation's the Claimants are entitled for following compensation.

Particulars	Amount
Monthly Income	Rs.6,000.00
Annual Income (Notional Income X 12 months)	Rs.72,000.00
Multiplier 18 (Rs.72,000/- x 18)	Rs.12,96,000.00
Future Prospects (40%)	Rs.18,14,400.00
Rs.12,96,000 – Rs.5,18,400	
(-) Personal Expenses (½ amount)	Rs.9,07,200.00
<u>Conventional Heads with 10% increase</u>	
Consortium (Rs.48,000 x 2)	Rs.96,000.00
Loss of Estate	Rs.18,000.00
Funeral Expenses	Rs.18,000.00
Total Just Compensation Payable	Rs.10,39,200.00

1 2017 ACJ 2700 (SC)

2 2018 ACJ 2782 (SC)

Less: Tribunal Awarded	Rs.6,14,320.00
Enhanced Compensation	Rs.4,24,880.00

9. In view of above, I pass following order.

ORDER

- (i) The Appeal is allowed.
- (ii) The Claimants are entitled for enhanced compensation of Rs.4,24,880/- @ 7.5% per annum from the date of the filing of Claim Petition till realization of the amount. Out of this amount Rs.1,32,000/- is consortium amount, the Claimant's are entitled @ 7.5% interest on it from 1st November 2017, till realization of the amount.
- (iii) The Respondent-Insurance Company shall deposit enhanced compensation amount along with accrued interest thereon, within six weeks from the receipt of this order.
- (iv) The Claimants are permitted to withdraw the deposited amount alongwith interest.
- (v) The Claimants shall pay deficit Court Fees on

enhanced amount, as per Rules.

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

(vii) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)