IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 229 OF 2024

Chandrikaben Satishkumar Azad	]	
Aged 50 years presently, Occ: Nil,	]	
Mother of the deceased,	]	
R/at 304/B, Samanvay Apartment,	]	
Geetnandan Society, Govind Nagar, Dahod,	]	
Gujarat 389151.	]	
Presently r/at C/o. Dina Nath Verma, Near	]	
Central Bank, Main Road, Hansari, Jhasi, Uttar	]	
Pradesh 283135.	]	
	....	**Appellant**

Versus

1. Mani Pandurang Kavandar	]	
R/at G/5, Radiant CHS, Plot No.522, Beside	]	**Original**
Pooja NGR, Mira Road (E), Dist. Thane,	]	**Opponent**
Maharashtra- 401107.	]	**Party**
2. Reliance General Insurance Co. Ltd. 4th Floor,	]	
Chintamani Avenue, Off Western Express	]	**Original**
Highway, Next to Virwani Industrial Estate,	]	**Insurer**
Goregaon (E), Mumabi.	]	
	]	
	....	**Respondents**

Mr. Devendranath S. Joshi a/w P. Thakurdesai, Advocate for the Appellant.
Mr. Avesh Ghadge i/b Mr. Akshay Kulkarni, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th AUGUST, 2025.

JUDGMENT. :

1. This appeal is preferred by the Appellant – Claimant for enhancement of compensation.

2. It is contention of learned counsel for the Appellant - Claimant that the deceased was engaged in hospitality management, but the Tribunal has considered monthly income of the deceased at Rs.12,000/- per month, which is on lower side. It should be considered at 50,000/- per month. Learned counsel further submitted that the Tribunal has not awarded future prospects, consortium amount is awarded on lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the Respondent No.2 - Insurance Company 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 learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Mumbai (for short, "the Tribunal").

5. It is Claimant's case that the deceased was earning

Rs.50,000/- per month. To prove the income of the deceased, the Claimants have examined the Claimant No.1. She has stated that, at the time of accident, the deceased was 21 years old and had passed B.Sc. in Hospitality and Hotel Administration. He had completed Industrial Training at Five Star Hotel "The Westin Gurgaon", New Delhi where he was getting stipend of Rs.12,000/- plus complimentary stay. She has further stated that if he had joined in the year 2017, his starting salary would not be less than Rs.50,000/-. In her cross-examination, she has stated that, at the time of accident, the deceased was in 2nd year studying of Hotel Management.

6. While dealing with the issue of income of the deceased, considering the educational qualification of the deceased, the Tribunal has considered monthly income of the deceased at Rs.12,000/-. In my view, it is on lower side. As the deceased was studying Hotel Management and he had taken training in Five Star Hotel. At the time of accident, the deceased was 21 years old. Considering this fact, I am considering income of the deceased at Rs.17,000/- per month. As per view of Hon'ble Apex Court in the case of ***National Insurance Co. Ltd. Vs. Pranay Sethi 2017 ACJ 2700***

(SC), the claimant is entitled for 40% future prospects. As per 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 Rs.48,000/- for consortium amount, Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses.

7. Considering above calculations, the claimant is entitled for following compensation.

Monthly income	Rs.17,000/-
Annual income	Rs.2,04,000/-
Add: 40% future prospects	Rs.81,600/-
Total	Rs.2,85,600/-
Less: ½ personal deduction	Rs.1,42,800/-
Multiplier 18 (Rs.1,42,800/- X 18)	Rs.25,70,400/-
Consortium	Rs.48,000/-
Loss of estate	Rs.18,000/-
Funeral expenses	Rs.18,000/-
Total compensation	**Rs.26,54,400/-**
Less awarded by the Tribunal	Rs.13,66,000/-
Enhanced amount	**Rs.12,88,400/-**

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

<u>ORDER</u>

i. The Appeal is allowed.

ii. The Claimant is entitled for enhanced amount of Rs.12,88,400/- @ 7.5% interest per annum from the date of filing claim petition, till realization of the amount. Out of this amount, Rs.84,000/- is consortium amount, the Claimant is entitled for interest @ 7.5% from 1st November, 2017, till realization of the amount.

iii. The Respondent No.2 – Insurance Company shall deposit the enhanced amount along with accrued interest thereon, within six weeks after receipt of this order.

iv. The Claimant is permitted to withdraw the deposited amount along with accrued interest thereon.

v. The Claimant shall pay deficit Court fees on enhanced amount, if any, as per Rules.

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

9. All pending applications, if any, also stand disposed of.

(SHIVKUMAR DIGE, J.)