

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

FIRST APPEAL NO. 1822 OF 2019

Reliance General Insurance Company	}	
Limited	}	
19 Walchand Hirachand Marg,	}	
Ballard Estate, Mumbai-400001	}	...Appellant

Versus

1. Adhikrao Nathu Maskar	}	
Age-56 years, Occ: Service	}	

2. Aditi Adhikrao Maskar	}	
Age-29 years, Occ: Education	}	

3. Ajayshri Adhikrao Maskar	}	
Age-25 years, Occ: Education	}	
All R/at Kachrewadi, Taluka-Karad, District-	}	
Satara	}	

4. Ritesh Hemendra Shah	}	
Age-60 years, Occ: Owner of Container	}	
R/o Mahavir Patil, Chawl No.3, Kalher	}	
Village, Taluka-Bhiwandi,	}	
District-Thane-421302	}	

5. Ankush Dinkar Pawar	}	
Age-35 years, Occ: Driver of Container	}	
R/at A/p. Arvi, Taluka-Koregaon,	}	
District-Satara	}	...Respondents

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WITH
FIRST APPEAL NO. 180 OF 2025

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| 1. Adhikrao Nathu Maskar | } | |
| Age-56 years, Occ: Service | } | |
|
2. Aditi Adhikrao Maskar |
} | |
| Age-29 years, Occ: Education | } | |
|
3. Ajayshri Adhikrao Maskar |
} | |
| Age-25 years, Occ: Education | } | |
| All R/at Kachrewadi, Taluka-Karad, | } | |
| District-Satara | } | ...Appellants |

Versus

- | | | |
|--|-------|-----------------------|
| 1. Reliance General Insurance Company | } | |
| Limited | } | |
| 19 Walchand Hirachand Marg, | } | |
| Ballard Estate, Mumbai-400001 | } | |
|
2. Ritesh Hemendra Shah |
} | |
| Age-64 years, Occ: Owner of Container | } | |
| R/o Mahavir Patil, Chawl No.3, Kalher | } | |
| Village, Taluka-Bhiwandi, | } | |
| District-Thane-421302 | } | |
|
3. Ankush Dinkar Pawar |
} | |
| Age-44 years, Occ: Driver of Container | } | |
| R/at A/p. Arvi, Taluka-Koregaon, | } | |
| District-Satara | } | ...Respondents |

Mr.Pandit Kasrar, for the Appellant in FA No.1822 of 2019 and for Respondent No.1 in FA No.180 of 2025.

Mr.Bhushan Walimbe a/w Mr.Mayank Tripathi, for the Appellant in FA No.180 of 2025 and for Respondent No.1 in FA No.1822 of 2019.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JULY 2025

ORAL JUDGMENT :-

. This Appeal is preferred by the Appellant-Insurance Company against the judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Karad.

2. The Respondents-Claimants have also preferred Cross Appeal for enhancement of compensation. As Appeal and Cross Appeal are against the same judgment and order, hence I am deciding it by this common judgment.

3. It is contention of the learned counsel for the Appellant-Insurance Company that, the Tribunal has considered monthly income of the deceased at Rs.48,807/- and the Tribunal has considered his agricultural income at Rs.3,000/- per month, without any evidence on record and on that basis, compensation is awarded on higher side which is erroneous and requested to allow the Appeal.

4. It is contention of learned counsel for the Respondents-Claimants that, the deceased was a teacher and she

was getting salary of Rs.48,807/- per month and she was getting Rs.6,000/- from agricultural income, but the Tribunal has considered her agricultural income on lower side. The learned counsel further submitted that, the Tribunal has awarded consortium amount only to two Claimants. Hence, requested to allow the Cross Appeal and dismiss the Appeal filed by the Appellant-Insurance Company.

5. I have heard both learned counsel. Perused judgment and order passed by the Tribunal.

6. To prove the income of the deceased, PW-1 Adhikrao Maskar examined himself. He has stated that, the deceased was working as a teacher and she was getting salary of Rs.48,807/- per month and she was also getting agricultural income of Rs.2,25,000/- per annum. It has come on record that, the deceased was serving as a teacher in Zilla Parishad School, Kharade, Taluka-Karad, District-Satara. She was permanent in service and earning Rs.48,807/- per month. P.W.-2-Mr.Ganesh has tendered salary sheet it is at Exhibit-46.

7. While dealing with the issue of income of the

deceased, the Tribunal has observed that the deceased was a Government Employee and she was getting salary of Rs.48,807/- on that basis, the Tribunal has considered same income as monthly income of the deceased.

8. While dealing with the issue of agricultural income, the Tribunal has observed that, the deceased was serving as teacher and she was not going for agricultural work. Therefore, the Tribunal has considered Rs.3,000/- as supervisory charges. I do not find infirmity in it. The Tribunal has considered proper monthly income of the deceased.

9. It is contention of the learned counsel for the Respondents-Claimants that, the Tribunal has not given consortium amount to other Claimants. In my view, the Tribunal has considered agricultural income of the deceased, hence, the consortium amount is not necessary to be awarded to the Claimants and I pass following order.

ORDER

- (i) Both Appeals are dismissed.
- (ii) The Claimants are permitted to withdraw

deposited amount alongwith interest.

(iii) The statutory amount in First Appeal No. 1822 of 2019 alongwith interest be transferred to the Tribunal within 30 days after uploading of this order. Parties are at liberty to withdraw it, as per Rules.

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

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

(SHIVKUMAR DIGE, J.)