

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1617 OF 2025

Shri.Siddharth Nivrutti Jagatap	}	
Age-39 years, Occ: Labour,	}	
R/at 7/16, Type II, Range Hills,	}	
Khadaki, Pune-411 020	}	...Appellant

Versus

1. Reliance General Insurance Co. Ltd.	}	
R/at R/O19, Reliance Centre, Walchand,	}	
Hirachand Marg, Baillard Estate,	}	
Mumbai-400 001	}	
2. Gourav Touts & Travels	}	
Prop : Anil Shankar Kenjale	}	
Age-Adult, Occ: Business,	}	
R/at Kathapur, Taluka-Koregaon,	}	
District-Satara	}	...Respondents

Mr.Yogesh Pande, for the Appellant.
Ms.Poonam Mital, for Respondent No.1

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th AUGUST 2025

ORAL JUDGMENT :-

. The issue involved in this Appeal is deduction of the
amount for personal expenses.

2. It is contention of the learned counsel for the Appellant-Claimant that, the deceased was married, but the Tribunal has deducted $\frac{1}{2}$ amount for personal expenses, it should be $\frac{1}{3}$ rd. The learned counsel further submitted that, the Tribunal has awarded consortium amount on lower side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent-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 judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Pune.

5. While deducting the amount for personal expenses, the Tribunal has deducted $\frac{1}{2}$ amount for personal expenses. The deceased was married, hence, it should be $\frac{1}{3}$ rd. The Tribunal has awarded consortium on lower side. As per view of Hon'ble Apex Court in case of *Magma General Insurance Co. Ltd. V/s.*

Nanu Ram¹, 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 Claimant is entitled for following compensation.

Particulars	Amount
Monthly Income	Rs.40,117.00
(+) Future Prospects (15%)	Rs.46,135.00
Yearly Loss of Dependency Rs.46,135 x 12	Rs.5,53,620.00
(-) Personal Expenses (1/3rd)	Rs.1,84,540.00
Loss of Dependency	Rs.3,69,080.00
Multiplier – 9	Rs.33,21,720.00
Total Loss of Income	Rs.33,21,720.00
<u>Conventional Heads with 10% increase</u>	
Consortium (Rs.48,000)	Rs.48,000.00
Loss of Estate	Rs.18,000.00
Funeral Expenses	Rs.18,000.00
Total Just Compensation Payable	Rs.34,05,720.00
Already awarded by Tribunal	Rs.25,66,290.00
Enhanced Amount	Rs.8,39,430.00

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

1 2018 ACJ 2782 (SC)

ORDER

- (i) The Appeal is allowed.
- (ii) The Claimant is entitled for enhanced amount Rs.8,39,430/- @ 7.5% per annum from date of the filing of the Claim Petition till realization of the amount.
- (iii) The Respondent-Insurance Company shall deposit the enhanced amount along with accrued interest thereon within eight weeks after receipt of this order.
- (iv) The Claimant is permitted to withdraw the deposited amount alongwith interest.
- (v) The Claimant shall pay deficit Court Fees on enhanced amount, as per Rules.
- (vi) There was 8 years and 171 days delay for filing the Appeal, the Claimant is not entitled for interest on enhanced amount for delayed period.
- (vii) Record and Proceedings be sent back to the Tribunal.
- (viii) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)