IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.47 OF 2026
IN
FIRST APPEAL NO.2348 OF 2021

1. Smt. Chandrabhagabai Dayanand Pawar Patil,
Age : 44 years, Occu: Household,

2. Prajarkta d/o Dayanand Pawar Patil,
Age : 24 years, Occu : Education,

3. Amit s/o Dayanand Pawar Patil,
Age : 20 years, Occu: Education,

4. Sumanbai w/o Murlidhar Pawar Patil,
Age : 64 years, Occu : Household,

All R/o. Ari, Tq. Shirur Anantpal,
Dist. Latur ... **Review Applicants/ Appellants**
(Org. Claimants)

Versus

1. Amar S/o Sanjay Vyanjane,
Age : 39 years, Occu: Business,
R/o. Shirur Anantpal Main Road,
Near Bus Stand Shirur Anantpal,
Tq. Shirur Anantpal, Dist. Latur
(Owner of Jeep No. MH-24-AF-1084)

2. The Branch Manager,
Cholamandalam MS General Insurance Co. Ltd.,
Malika Building, 1st Floor,
Block No. 4, Vishram Nagar,
Hotgi Road, Solapur, Dist. Solapur
(Insurer of Jeep No. MH-24-AF-1084) ... **Respondents**
(Org. Respondents)

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Mr. Santosh B. Gastgar, Advocate for Review Applicants/Appellants.
Mr. A. S. Usmanpurkar, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 06 APRIL 2026
PRONOUNCED ON : 10 APRIL 2026

ORDER :

1. The present Application is filed seeking review of judgment and order dated 20.08.2025 passed in First Appeal No.2348 of 2021, to the extent of non-consideration of future prospects while computing compensation.

2. Learned counsel for Review Applicants/Appellants submits that this Court, while partly allowing the appeal and enhancing compensation to the tune of Rs.14,36,746/-, has not added future prospects to the income of the deceased in spite of demand and which is mandatory as per settled law. That, while passing the order under review, this Hon'ble Court has failed to take into consideration Ground No.VI raised by the review Applicants/Appellants in the memo of appeal with regard to grant of compensation towards future prospects.

3. It is submitted that the deceased was aged about 45 years, and therefore, claimants are entitled to 25% addition towards future prospects as laid down in ***National Insurance Company Limited vs. Pranay Sethi and Ors.***, 2017 (16) SCC 680.

4. Learned counsel for the Respondent – Insurance

Company opposes the application, contending that, if the Review Applicants failed to press or argue the said ground, they cannot be permitted to raise it in a review.

5. Upon perusal of the judgment under review, it is evident that, while this Court has reassessed the notional income at Rs.8,000/- per month and recalculated compensation, no addition towards future prospects has been made.

6. In view of the law laid down in ***Pranay Sethi*** (supra), addition towards future prospects is mandatory even in cases of notional income.

7. Therefore, omission to grant future prospects constitutes an error apparent on the face of record, warranting interference under review jurisdiction. Hence, Review Application deserves to be allowed to the limited extent. Resultantly, upon addition of future prospects, the claimants are entitled to the compensation upon recomputation and revised chart as under :

Sr. No.	Heads	Amount (Rs.)
1.	**Income Rs.8,000 x 12 = 96,000/-**	**96,000/-**
2.	Future Prospects 25% i.e. 24,000 (96,000 + 24,000)	1,20,000/-
3.	Less ¼	90,000/-
4.	Multiplier of 14 (90,000 X 14)	12,60,000/-
5.	Hospitalization Charges & Medical Bills	2,22,746/-

	(Rs.1,31,000/- + 91,746/- as awarded by tribunal)	
6.	Loss of consortium	1,76,000/-
7.	Loss of estate	15,000/-
8.	Funeral Expenses	15,000/-
9.	**Total compensation to be paid**	**16,88,746/-**
10.	Compensation awarded by Tribunal	9,22,746/-
11.	**Total Enhanced Compensation (i.e. Rs.16,88,746 – 9,22,746)**	**7,66,000/-**

8. In the result, following order is passed :

ORDER

(i) Review Application is allowed.

(ii) Judgment and order dated 20.08.2025 passed by this Court in First Appeal No.2348 of 2021 is reviewed to the extent of addition of future prospects.

(iii) The clause No. (iii) of the operative part of the judgment and order dated 20.08.2025 passed in First Appeal No.2348 of 2021, is hereby modified to the following effect :-

"Respondent no.2 - Insurance Company to pay enhanced compensation of Rs.7,66,000/- to claimants within 12 weeks from today along with interest @ 7.5% per annum from the date of registration of claim petition till its realization.

(iv) Rest of the judgment remains unaltered.

(ABHAY S. WAGHWASE, J.)

Tandale