IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH RAMCHANDRA SANGAR

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Date: 2026.10.13 14:49:53 +0530

FIRST APPEAL NO.561 OF 2006

1. **Chhaya Ramnath Thakare**,]
Age : 22 Years, Occupation : Household]

2. **Miss Vijaya Ramnath Thakare**,]
Age : Years 5]

3. **Miss Pooja Ramnath Thakare,**]
Age : 4 Years]

Nos.2 and 3 minors, minor guardian]
natural mother, Applicant No.1.]

Residing at : C/o Ashok G. Boraste,]
Hotel Kadwa, Near S. T. Stand,]
Dindori, District : Nashik.] ...**Appellants**

Versus

1. **Ramesh Morankar**,]
Age : Major, Manmohan Apartment,]
Ambika Nagar, Kamatwada, Flat No.6,]
Nashik.]

2. **New India Assurance Company**,]
Having its Regional Office at Bombay Agra]
Road, Wasan Automobiles Ltd., Nashik.]

3. **Maharashtra State Road Transport Corpn.**,]
Bellasis Road, Bombay Central, Mumbai.]

4. **Karbhari Rangnath Dukare**,]
Age : Major, Occupation : Driver,]
C/o S. T. Depot, Vijapur, M.S.R.T.C.,]
At and Post Vijapur, District : Aurangabad.] ...**Respondents**

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Ms.Rukmini Khairnar i/b. Mr.Pramod N. Joshi:-	Advocate for Appellants.
Ms.S.S.Dwivedi:-	Advocate for Respondent No.2 – New India Assurance Company.
Mr.Arafat Siddique a/w Ms.P.M. Bhansali:-	Advocates for Respondent No.3 – MSRTC.

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CORAM : S. M. MODAK, J.

DATE : 7th OCTOBER 2026

ORAL JUDGMENT :-

1. Heard learned Advocate for the Appellants / Claimants, learned Advocate Ms.Dwivedi for the Respondent No.2 and learned Advocate Ms.Bhansali for the Respondent No.3.

2. The Respondent No.1 is the owner of jeep insured with the Respondent No.2 – New India Assurance Company and the Respondent No.4 is the driver of the Bus belonging to the Respondent No.3 – MSRTC.

3. The Appeal is restricted only to the quantum of compensation. The Claim was filed arising out of death in vehicular accident. The Motor Accident Claims Tribunal – Nashik ("**Tribunal**") in its judgment dated 25th October 2005 has committed a wrong in considering the income of the deceased. That is why, the Appellants are seeking enhancement of the compensation.

4. The deceased was working as an *"Assistant Engineer"* in Nashik Municipal Corporation. He was earning income from salary. The Tribunal has commented on the salary of the deceased in paragraph No.11. It is as follows:-

(a) The net salary of the deceased was Rs.6040/-.

(b) After the deduction, take home salary was considered as Rs.1659.70 paisa rounded it to Rs.1660/- per month.

5. The submission is the Tribunal ought to have considered the net salary only by deducting the amount of the income tax. The submission is as per the rate prevailing in the year 2005, the deceased was liable to income tax in following proportion:-

Net salary was:-	Rs.6040/-
Annual salary come to:-	Rs.72,480/-
Income tax for Rs.60,000/- comes Rs.2000/- + 20% of the excess amount Rs.12,480/-:-	Total tax comes to Rs.4496/-
Annual income minus tax comes to:-	Rs.67,984/- (Rs.72,480/- minus Rs.12,480/-
Monthly income comes to:-	Rs.5665/-.

6. The Supreme Court in case of ***National Insurance Co. Ltd. V/s. Indira Srivastava and Others***[1] has commented that only tax payable has to be deducted from the salary amount received by the deceased and the perks shall be added in his income. (paragraph No.19).

1 (2008) 2 Supreme Court Cases 763

7. The Tribunal committed a wrong in treating the monthly income from the salary to Rs.1660/-. It has to be enhanced. At the same time, it is true the amount of future prospect, multiplier and other heads need to be granted. They are as follows:-

Future prospect 50%:-	Rs.5665+Rs.2832=Rs.8497/-
Annual income:-	Rs.8497X12=Rs.1,01,964/-
1/3rd Deduction:-	Rs.1,01,964/- minus Rs.33,988/-= Rs.67,976/-
Multiplier : 16:- (even though the Tribunal has considered the multiplier 17, it ought to have been 16 as the age of the deceased was 31 and as per observations in *Sarla Verma* case)	Rs.67,976/-X16=10,87,616/-
Loss of estate:-	Rs.18,000/-
Loss of consortium:-	Rs.48,000X3=Rs.1,44,000/-
Funeral expenses:-	Rs.18,000/-
Total compensated granted by this Court:-	Rs.12,67,616/-
Compensation granted by Tribunal:-	Rs.2,46,500/-
Enhanced amount:-	**Rs.10,21,116/-**

8. The Respondent No.2–Insurer of jeep has filed Written Statement. The Respondent No.3–MSRTC has also filed Written Statement. Whereas the deceased Ramnath was passenger in jeep. Both the vehicles were coming from opposite direction. After evidence, the Tribunal concluded about rash and negligent driving of both the

vehicles. This finding is not challenged by anyone. The Respondent Nos.1 and 2 (jeep owner and insured) and Respondent Nos.3 and 4 (MSRTC an Bus driver) both were directed to pay 50% each of total compensation of Rs.2,46,500/-. This enhanced amount has to be shared in between the Respondent Nos.1 and 2 on one hand and the Respondent Nos.3 and 4 on the other hand.

9. In view of that, following order is passed:-

-: **O R D E R** :-

(a) **The Appeal is allowed**.

(b) The Respondent Nos.1 and 2 jointly and severally to pay Rs.5,10,558/- (50%) and the Respondent Nos.3 and 4 to pay Rs.5,10,558/- (50%) along with interest of 7.5% from the date of Petition till realization.

(c) The Appellants are entitled to the enhanced amount of compensation subject to deposit of deficit Court Fees.

10. In the light of the above observations, **the Appeal is disposed of**.

11. **Pending Applications, if any, also stand disposed of**.

[S. M. MODAK, J.]