IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH RAMCHANDRA SANGAR

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FIRST APPEAL NO.536 OF 2020
WITH
CROSS OBJECTION (ST) NO.3097 OF 2025
WITH
CIVIL APPLICATION NO.1806 OF 2019
IN
FIRST APPEAL NO.536 OF 2020

Reliance General Insurance Company Limited, Through its Mumbai Corporate Office, 4th Floor, Chintamani Avenue, Off Western Express Highway, Goregaon East, Mumbai. ...**Appellant**

Versus

1. **Smt.Padama Brajesh Kumar Tripathi**,
Age : 34 Years, Occupation : Housewife,
(Widow of the deceased)

2. **Mast. Arpit Brajesh Kumar Tripathi**,
Age : 11 Years, (Minor Son of the deceased)

3. **Mast. Mohit Brajesh Kumar Tripathi**,
Age : 8 Years, (Minor Son of the deceased)

(As Applicant Nos.2 and 3 are being minor, they are appearing through their mother / natural guardian i.e. Applicant No.1)

All are residents of Timshi Residency, Plot No.151 & 152, Room No.201, Sector–9, New Panvel, Taluka : Panvel, District : Raigad.

4. **Mr.D.Dastagiri Lalsab**,
Residing at : Sukhsagar H.S.G. Society,

Plot No.247/248, B – 404, Sector No.23, }
Juinagar, Navi Mumbai, District : Thane } ...**Respondents**

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Mr.Rahul Mehta i/b. KMC Legal Venture:-	Advocate for Appellant Insurance Company.
Mr.T.J.Mendon:-	Advocate for Respondent Nos.1 to 3 – Original Applicants.
No one is present:-	On behalf of the Respondent No.4.

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CORAM : S. M. MODAK, J.
DATE : 14th OCTOBER 2026

ORAL JUDGMENT :-

1. Heard learned Advocate Shri.Mehta for the Appellant Insurance Company and the learned Advocate Shri.Mendon for the Respondent Nos.1 to 3 / Original Claimants.

2. The Motor Accident Claims Tribunal – Thane ("**Tribunal**") as per the Award dated 27th July 2017 passed in M.A.C.P. No.294 of 2013 has directed the Insurer and Insured to pay an amount of Rs.41,61,960/- (Rupees Forty One Lakh Sixty One Thousand Nine Hundred Sixty) along with other benefits. It was death claim. The name of the deceased is Brajesh Kumar Tripathi. He was 37 years old and was working as Junior Engineer with M/s. JSW Ispat Steel Ltd.,

Wadkhal, District : Raigad. He was earning Rs.33,787/- (Rupees Thirty Three Thousand Seven Hundred Eighty Seven) per month.

3. He was riding his motorcycle on 23rd February 2013. At about 11.00 p.m., on Goa – Bombay Road near Palaspe village, he was dashed by one trailer from backside. He was driving in high speed. There was offence registered against the trailer driver.

4. The Claim Application was resisted only by the Insurer. On behalf of the Claimant, one Padama who is widow of the deceased has gave evidence, so also, one Ajay Ranjit Thakur who is the employer. The Insurance Company has not given any evidence. The aspect of negligence of the trailer driver is not challenged in this Appeal. The Appeal is only limited to the quantum of compensation.

5. According to Mr.Mehta, the amount of monthly income is on higher side. The salary–slips of the deceased were tendered in evidence at Exhibit–46/1 to 46/4. Even the employer's representative was cross examined at length. The gross salary of the deceased for the month of January–2013 was Rs.33,787/- (Rupees Thirty Three Thousand Seven Hundred Eighty Seven). The permissible deduction was on account of professional tax for Rs.200/- and the income tax for Rs.779/-. The

salary considered was Rs.32,808/- (Rupees Thirty Two Thousand Eight Hundred Eight) and the annual salary is Rs.3,93,696/- (Rupees Three Lakh Ninety Three Thousand Six Hundred Ninety Six). (Paragraph No.28 of the judgment). This is on the basis of the documents as to salary proved through the employer's representative. I do not think that it is on higher side.

6. The submission is the income on the basis of Form–16 ought to have been considered. But when there was no Form–16 but there is a salary–slip proved through witness, that can be a basis. This is the only point which is raised in the Appeal. I do not find that it can be entertained.

7. Whereas, Mr.Mendon submitted that the future prospect is not considered. There is Cross–objection filed. According to the age of the deceased, it should have been 50%. Considering the dependents, personal expenses are 1/3rd and the dependency is 2/3rd. The compensation was not granted on account of consortium, loss of estate and funeral expenses. It has to be allowed. So, the compensation has to be redetermined. It is as follows:-

Sr.No.	Heads	Compensation Awarded
(i)	Monthly Income:-	Rs.32,808/-
(ii)	Future Prospects:-	Rs.16,404/- (50% of the monthly Income)
(iii)	Dependency 2/3rd and Personal Deduction 1/3rd (of Rs.49,212/-):-	Rs.32,808/-
(iv)	Multiplier 15:-	Rs.59,05,440/- (Rs.32,808/-X12X15)
(v)	Funeral Expenses:-	**Rs.18,000/-**
(vi)	Loss of Estate:-	**Rs.18,000/-**
(vii)	Loss of Consortium:-	**Rs.1,44,000/-** **(Rs.48,000/- per head)**
(a)	Total Compensation Awarded:-	**Rs.59,05,440/-**
(b)	Compensation awarded by the Tribunal:-	**Rs.41,61,960/- + 8% per annum interest**
	Amount to be paid now:-	**Rs.19,23,480/- + 8% per annum interest.**

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

-: O R D E R :-

(a) The Appellant – Reliance General Insurance Company Limited and the Respondent No.4 – Mr.D.Dastagiri Lalsab are directed to pay jointly and severally an amount of Rs.19,23,480/- (Rupees Nineteen Lakh Twenty Three Thousand Four Hundred Eighty) being an enhanced compensation within a period of 12 weeks from today along

with interest at the rate of 8% per annum from the date of Petition till realization.

(b) The Claimant Nos.1 to 3 to pay the Court Fee on the enhanced amount of compensation.

(c) The statutory deposit along with interest be transferred to the Tribunal.

9. In the above terms, the Appeal is dismissed and **the Cross-objection is allowed**.

10. Pending Applications, if any, also stand disposed of.

[S. M. MODAK, J.]