IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.136 OF 2007

SATISH RAMCHANDRA SANGAR

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Date: 2026.08.20 18:36:26 +0530

1. **Mrs.Razia Saeed Ahmed Patankar**,
   24 Years,

2. **Ms.Salika Saeed Ahmed Patankar**,
   2 Years,Through mother(Appellant No.1)

3. **Mrs.Habiba Dawood Patankar**,
   62 Years,

All Residing at :- Flat No.16, Moon Star,
Plot No.393, T.P.S. III, 16th Road,
Bandra (W), Bombay 50.

...**Appellants**
(**Original Claimants**)

Versus

1. **M/s.Dhavani Transport**,
   Having Registered Office at 89,
   P. D. Mello Road, Near Loha Bhuvan,
   Bombay – 400 009.

...**Opponent No.1**

2. **Mr.Balu Bhagwan Mane**,
   27 Years, C/o. : Verma Transport,
   Masjid Bunder, Bombay : 400 009.
   Residing at : 1186, Dnyaneshwar
   Padvika Chawk, Shivaji Nagar,
   Pune – 5.

...**Opponent No.2**

3. **The Oriental Insurance Co. Ltd.**
   Oriental House, J. Tata Road,
   Bombay – 20.

...**Opponent No.3**
(**Respondents**)

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Ms.Ketki Gokhale i/b. Mr.Avinash Gokhale:-	Advocates for Appellants.
Mr.Saumen S. Vidyarthi (Through V.C.):-	Advocate for Respondent No.3– Insurance Company.

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CORAM : S. M. MODAK, J.

DATE : 17th AUGUST 2026

ORAL JUDGMENT :-

1. Heard learned Advocate for the Appellants/Claimants and learned Advocate Shri.Vidyarthi for the Respondent No.3–Insurance Company.

2. The Appeal is filed only on the ground that proper multiplier was not considered and future prospect is also not considered while dealing with the claim of the deceased. There was further submission that the compensation towards consortium should also be considered on the basis of subsequent judgments. With their assistance, I have gone through the Award.

3. The Claimant No.1 is the widow whereas the Claimant No.2 is the minor daughter and Claimant No.3 is the mother of the deceased. The accident took place on 28th November 1989 at about 12.30 p.m.

At that time, the deceased along with his friend were coming on a scooter on Signal Hill Avenue Road from east–west. The deceased was driving the scooter. At that time, the offending vehicle came at a great speed from west–east in opposite direction and gave dash to the scooter near electric pole. The scooter was dragged for a distance of about 30 feet. The scooter was entangled in the front portion of the truck. The driver and the pillion rider both sustained injuries.

4. The deceased was a young boy of 28 and half years. He had joined Shipping Management Company. At the relevant time, he was posted in South France as a Third Officer. Even he got promotion and he became a Second Officer in 1989. In that year, he was earning 1600 US$ per month.

5. On this background, a Claim Petition was filed. The Opponent No.1 is the owner of the vehicle. The negligence on the part of the truck driver is denied. The widow of the deceased gave evidence so also three witnesses were examined on behalf of the Claimants. The Respondents have not adduced any evidence. On the basis of this evidence, the Motor Accident Claims Tribunal–Mumbai ("**Tribunal**") has concluded about the negligence of the truck driver and held the insurer and insured jointly and severally liable.

6. The calculation done by the Tribunal is as follows:-

(i) The salary to the tune of 1600 US$ for 8 months and accordingly, 12800 US$ for one year were considered and considering the dependency, 1/3rd was considered towards the *personal expenses* and the dependency was arrived at 8534 US$. About this, there is no dispute. In the year 1989, the conversion rate for US$ was Rs.17/-. There is no dispute.

(ii) The *age* of the deceased was 28.

(iii) The *multiplier* was considered as 16. It ought to have been 17 considering the age. There is no dispute.

(iv) The *future prospects* were not considered. It ought to have been considered and as per judgment of ***National Insurance Company Limited V/s. Pranay Sethi***[1], considering the age and occupation, it ought to have been 40%.

(v) The *consortium* of only Rs.20,000/- was considered. As per the judgment in case of ***Magma General Insurance Co. Ltd. V/s. Nanu Ram Alias Chuhru Ram***[2], it ought to have been Rs.48,000/- for every Applicant which includes, the widow, minor daughter and the mother.

(vi) That is how the compensation of Rs.23,61,248/- (Rupees Twenty Three Lakh Sixty One Thousand Two Hundred Forty Eight) was considered.

7. After hearing this submission, the Tribunal has wrongly applied the *multiplier* of 16. It ought to have been 17 and the *future prospect*

1 AIR 2017 Supreme Court 5157
2 AIROnline 2018 SC 1249

at the rate of 40% and the *consortium* of Rs.48,000/- (Forty Eight Thousand Rupees) per Applicant ought to have been granted. The calculation should be as follows:-

Sr.No.	Heads	Compensation Awarded/Stepped up
(i)	Monthly Income:-	US$ 1600
(ii)	Annual Income + Future Prospects:-	US$ 12800+US$5120= 17,920 US$
(iii)	Deduction towards Personal Expenses and Dependency:-	US$ 5972
(v)	Total Income:-	US$ 11948
(vi)	Multiplier:-	17XUS$ 11948 =US$ 2,03,116
(vii)	Rate of exchange per dollar Rs.17 (referred in Award):-	**Rs.34,52,972/-**
(viii)	Loss of Consortium:-	**Rs.1,44,000/- (Rs.48,000/- per head**[3]**)**
(ix)	Funeral Expenses:-	**Rs.18,000/-**
(x)	Loss of Estate:-	**Rs.18,000/-**
	Total Compensation Awarded:-	**Rs.36,32,972/- plus interest**
	Compensation awarded by the Tribunal:-	**Rs.23,61,248/-**
	Amount to be paid now:-	**Rs.12,71,724/-**

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

-: O R D E R :-

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

3 Stepped up from Rs.20,000/- per head to Rs.48,000/- per head

(b) The Award dated 20th July 2006 passed by the Motor Accident Claims Tribunal–Mumbai is modified as follows:-

(i) The Respondents are directed to pay jointly and severally a compensation of Rs.36,32,972/- (Rupees Thirty Six Lakh Thirty Two Thousand Nine Hundred Seventy Two) (now the Appellants will be entitled to get only Rs.12,71,724/- (Rupees Twelve Lakh Seventy One Thousand Seven Hundred Twenty Four).

(ii) The Respondents are directed to pay this amount within a period of 8 weeks. The Tribunal has granted interest of 6% per annum from June-2004 till recovery. It ought to have been from the date of filing of the Petition. The Respondents to pay the deficit on original amount awarded.

(iii) The Respondents are directed **to pay 7.5% interest on the amount of Rs.12,71,724/-** (Rupees Twelve Lakh Seventy One Thousand Seven Hundred Twenty Four). from the date of Petition till the amount is deposited.

(iv) Additional Court Fee be paid.

9. In the light of the above observations, **the Appeal stands disposed of.**

[S. M. MODAK, J.]