

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 5094 OF 2019
WITH
CIVIL APPLICATION NO. 2119 OF 2019
WITH
INTERIM APPLICATION NO. 38384 OF 2025

Reliance General Insurance Company Limited
thr. Its Corporate office ...Appellant
Versus
Mrs. Mangala Bharat Pawar And Ors. ..Respondents

Mr. Rahul Mehta (V/C), *i/b KMC Legal Venture for the
Appellant/Applicant and for Respondent in
IA/38384/2025.*

Mr. S. R. Gupta, *with L.N.Karna for the Respondents.*

CORAM DR. NEELA GOKHALE, J.
DATED: 6th FEBRUARY 2026

PC:-

CIVIL APPLICATION NO. 2119 OF 2019

1. By consent, the delay condonation Application is allowed, and the delay in preferring First Appeal (St.) No.5094 of 2019 is condoned.

2. The Interim Application stands disposed of.

3. By way of the present First Appeal, the Appellant assails the Judgment and Award dated 6th June 2018 passed by the learned Motor Accident Claims Tribunal ('MACT'), Mumbai, in MACP No.2001 of 2012. By way of the impugned Judgment, the claim petition filed by the Respondents (Original Claimants) was allowed, and they were held entitled to recover compensation of Rs.27,15,398/-, inclusive of compensation under no fault liability, together with interest at the rate of 9% per annum from the date of institution of the claim i.e 10th October 2012, till realization.

4. Out of the said compensation, the MACT directed that Respondent No.1 shall receive Rs.13,15,398/-, while Respondent Nos.2 and 3 were held entitled to compensation of Rs.7,00,000/- each, together with proportionate interest. Further directions necessary for granting the aforesaid reliefs were also issued.

5. Mr. Gupta, learned counsel appearing for the Original Claimants i.e. Respondent Nos.1 to 3, submits that the deduction towards personal expenses of the deceased was calculated by the MACT at one-fourth instead of one-third. Hence, the said figure requires rectification and is now computed at Rs.83,972/-. He further submits that compensation towards loss of consortium of three Claimants was calculated at Rs.48,000/- only in favour of Respondent No.1. However, in view of the settled law laid down by the Supreme Court, the said amount is required to be awarded to all the Claimants. Accordingly, the total compensation under this head works out to Rs.1,44,000/-. Except for the aforesaid two irregularities in computation, the award passed by the MACT is not assailed.

6. Considering the settled legal position and the factual matrix of the case, I am of the view that the deduction towards personal expenses of the deceased ought to be one-

third of the income and that compensation for loss of consortium must be awarded vis-à-vis all the Claimants.

7. Considering the aforesaid deduction towards personal expenses of the deceased at Rs.83,972/- and the compensation towards loss of consortium at Rs.1,44,000/-, the total compensation payable to the Claimants would be Rs.25,31,594/- instead of the amount directed by the Tribunal.

8. Accordingly, the Appellant is directed to pay compensation of **Rs.25,31,594/-** to the Claimants, together with interest thereon at the rate directed by the MACT.

9. Mr. Rahul Mehta, learned counsel appearing for the Appellant, submits that the said amount has already been deposited with the Tribunal. The Appellant is permitted to withdraw the excess amount, if any, deposited with the Tribunal. All other directions issued by the Tribunal shall remain unchanged.

10. The statutory deposit of Rs.25,000/- made by the Appellant shall be transferred to the MACT. The MACT is requested to consider the application, if any, made on behalf of the Appellant, and learned counsel for the Appellant is permitted to withdraw the same in accordance with the Rules.

11. Court-fees, if any, shall be refunded in accordance with the Rules.

12. The First Appeal is accordingly disposed of along with the Interim Application therein.

(DR. NEELA GOKHALE, J)

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