

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1591 OF 2024**

Divisional Manager, Reliance General
Insurance Co. Ltd. ...Appellant

Versus

Mangal Nana Bagul And Ors. ...Respondents

Ms. Kalpana Trivedi (through V.C.), *for the Appellant.*
Mr. Pritesh Bohade, *for the Respondent Nos. 1 to 5.*

CORAM R. M. JOSHI, J.
DATED: 22nd JANUARY 2026

PC:-

1. By consent of both sides, heard finally at the stage of admission.

2. This Appeal is filed by the Insurer. The Insurer takes exception to the Judgment and Award dated 15th October 2019 passed in M.A.C.P. No. 817 of 2016, whereby the death claim filed by the Claimants came to be allowed by directing payment of compensation of Rs.44,46,000/- with interest at the rate of 8% per annum.

3. There is no dispute between the parties with regard to the occurrence of the accident on 27th July 2016. The deceased is a police personnel and was on patrolling duty at the relevant time when he met an accident involving the offending vehicle.

4. The Insurer has filed this Appeal on the ground that the Tribunal has granted compensation which is excessive in nature. Similarly, challenge is also raised to the interest awarded at the rate of 8% per annum.

5. Learned counsel for the Appellant submits that the Tribunal has committed error in granting the compensation without considering the evidence on record in respect of the income of the deceased. Though learned counsel for the Claimants supported the impugned Judgment and Award, it is his contention that the amount towards consortium, loss of estate and funeral expenses are not granted properly. He, therefore, seeks enhancement of compensation by relying

upon the judgment in *Magma General Insurance Co. Ltd. Vs. Nanu Ram*¹ and *Pappu Deo Yadav Vs. Naresh Kumar*².

6. The Claimants have proved that the deceased met with an accident while he was on patrolling duty. There is no dispute about his employment in the police department. There is sufficient evidence on record to establish his income. The Tribunal has rightly taken into consideration the age of the deceased and computed the amount of compensation.

7. The Tribunal, however, ought to have granted consortium to the Claimants of Rs.1,92,000/-. An amount of Rs.15,000/- each should have been granted towards loss of estate and funeral expenses. As such, since the Tribunal was required to allow a claim of Rs.1,92,000/- under the aforesaid heads, but compensation of Rs.70,000/- is granted. Consequently, deducting the said amount the Claimants would be entitled to receive an additional amount of Rs.1,20,000/-.

1 2018 ACJ 2782 (SC)

2 2020 AIR 4424 (SC)

8. In view of the above, the following order:

ORDER

- (i) The Appeal is dismissed.
- (ii) In addition to the compensation granted by the Tribunal, the Claimants are entitled to receive a sum of Rs.1,20,000/- with interest at the rate of 8% per annum from the date of filing of the petition, till realisation of the amount.
- (iii) Claimants to pay additional court fees, if any.
- (iv) The statutory deposit along with interest, if any, be transferred to the Tribunal.
- (v) All pending applications, if any, stand disposed of.
- (vi) R & P be sent back to the Tribunal.

(R. M. JOSHI, J.)