

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1093 OF 2025
WITH
INTERIM APPLICATION NO. 8665 OF 2025
IN
FIRST APPEAL NO. 1093 OF 2025

Reliance General Insurance
Co. Ltd. Thane (West) ...Appellant

Versus

Smt. Vandana Ashok Patil & Ors. ...Respondents

Mrs. Kalpana Trivedi for the Appellant.
Mrs. Rina Kundu for Respondents/Claimants.

CORAM : R.M. JOSHI, J.

DATE : 26th FEBRUARY, 2026

P.C. :

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

2. This Appeal filed by the Insurer takes exception to the judgment and award dated 13th November 2024 passed in MACP No. 808 of 2021 granting compensation of Rs. 48,65,362/- along with interest at the rate of 8% p.a. from the date of Claim Petition till realization of the amount.

3. It is a case of the claimants that the deceased was riding

motorcycle bearing No. MH-04-AW-3006 on 14th July 2021 and when he reached to the spot of the accident, other motorcycle bearing registration No. MH-48-AG-9289 owned and insured by the original opponents came in high and excessive speed and dashed to the motorcycle of the deceased. As a result of the incident, deceased sustained injuries and succumbed thereto. Tribunal allowed the claim hence this appeal.

4. Learned Counsel for the Appellant submit that the Tribunal has failed to take into account negligence on the part of the deceased in occurrence of the accident. It is her further submission that the Tribunal has considered income of the deceased on higher side which has resulted into grant of compensation excessively.

5. Learned Counsel for the Claimant supported impugned judgment and award however, sought enhancement to the extent of consortium not been granted to Claimant No. 2.

6. There is no dispute about the fact that in the accident in question, deceased lost his life. Further admittedly, the offense came to be registered against rider of the offending motorcycle. There is no other evidence led by the Insurer in order to hold that the deceased was responsible for causing of the accident.

7. Insofar as the amount of compensation determined by the

Tribunal, Tribunal has rightly taken into consideration the evidence of the employer coupled with documents placed on record to support the claim of the Claimants with regard to the employment and income of the deceased. The observations made by the Tribunal and recording of finding of the fact in paragraph no. 20 does not deserve any interference.

8. The Tribunal however, has not granted parental consortium to Claimant No. 2. The Claimant No.2 therefore, be entitled to receive the same. As a result of above discussion, following order is passed:

ORDER

- a. Appeal stands dismissed.
- b. The Claimants however are entitled to receive additional compensation of Rs. 40,000/- with interest at the rate of 8% p.a. from the date of filing of the Claim Petition till realization of the amount.
- c. Claimant shall pay additional Court fee as per Rules.
- d. Statutory deposit with interest be transferred to the Tribunal for disposal in accordance with the law.

(R.M. JOSHI, J.)