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VASANT
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2024 OF 2025
WITH
INTERIM APPLICATION NO.9220 OF 2025
WITH
INTERIM APPLICATION NO.1510 OF 2026

Reliance General Insurance Co. Ltd. ...Appellant
V/s.
Smt.Hiravati P. Saroj & Ors. ...Respondents

Mr.Avesh Ghadge (through V.C.) i/b Mr.Akshay Kulkarni for the
Appellant.

Mr.T.R. Kale for the Respondents.

CORAM : R.M. JOSHI, J.
DATE : 23RD FEBRUARY, 2026.

P.C. :-

1. By consent of both the sides, heard finally at the stage of admission.
2. This appeal takes exception to the impugned judgment and award dated 8th April, 2024 passed in MACP No.1051 of 2018, whereby the death claim filed by the Claimants came to be

allowed, directing to the original Opponents to jointly and severally to pay compensation of Rs.38,98,000/- with interest at the rate of 6% p.a. from the date of filing of the claim application till realization of the amount.

3. The Appellant is the insurer and takes exception to the said judgment and award on the ground that the Tribunal has committed error in accepting the income of the deceased on higher side. It is also sought to be claimed on behalf of the Appellant that the Tribunal also committed error in calculating the amount of compensation ignoring the fact that the children of the deceased were major and not dependent upon him.

4. Learned counsel for the Appellant submits that the Claimants have failed to prove the income of the deceased so also the fact with regard to the deceased being in permanent employment. Thus it is his submission that the Tribunal not only erred in computation of the compensation but also ought not to have granted future prospects to the extent of 50%. It is his further submissions that the dependency of the children ought not to have been accepted by the Tribunal in view of the fact that the

children of the deceased were major at the time of occurrence of the accident and the death of the deceased.

5. Learned counsel for the Claimants supported the impugned judgment and award.

6. There is no dispute made by the learned counsel for the Appellant with regard to the fact that on 30th January, 2018 in an accident involving the motor jeep bearing No.MH12 GU 1046 and the pick up jeep bearing No.MH05 BH 3847, the deceased sustained injuries and succumbed.

7. The Claimants are required to prove their claim on preponderance of probabilities. The Claimants led evidence of Claimant No.1 so also the evidence of employer of the deceased, who has proved the letter of appointment Exhibit-47 and the salary certificate Exhibit-49. As per the said evidence, the deceased was earning Ra.23,428/- per month. The deceased was aged about 38 years. The evidence led before the Tribunal confirmed the said fact. The evidence on record thus indicates that the deceased was in regular employment and having regard to the fact that he was aged about 38 years, the Tribunal has rightly granted future

prospects to the extent of 50% of his salary.

8. Having regard to the above facts, this court finds no reasons to cause interference in the impugned judgment and award. Hence the Appeal is dismissed.

9. All pending Applications stand disposed of.

10. The statutory deposit, if any, made by the Appellant be transferred to the Tribunal. The said amount, if any, be adjusted towards the compensation.

11. R & P be sent back, if received to the Tribunal.

(R.M. JOSHI, J.)