



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 315 OF 2011

1. Smt.Chandrabhagabai Narayan Patil
age 47 years, occ. Household work
 2. Shri Vijay Narayan Patil
age 19 years, occ. Education
-Appellants

VERSUS

1. Shri S Hardev Singh
age 50 years, occ. Business
r/o 45/1 G.M.Dutta Road,
Dum Dum Cant, Kolkata
West Bengal.
 2. The United India Insurance Co. Ltd.
Through Divisional Officer
Mansing Market
Jalgaon
-Respondents

Mr. S. H. Tripathi, Advocate for Appellants.
Mr. A. A. Gatne, Advocate holding for Mr. A. B. Gatne, Advocate for
Respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 15th OCTOBER, 2025.

JUDGMENT :

1. This Appeal under Section 173 of Motor Vehicles Act is filed for enhancement of compensation on a limited ground that the Tribunal having applied incorrect multiplier while arriving at compensation amount. Similarly, during the course of hearing, learned counsel for the Appellants, by relying upon the judgment of

Hon'ble Supreme Court in case of National Insurance Co. Ltd. vs. Pranay Sethi and others, **(2017) 16 SCC 680**, seeks additional 10% future prospects to be considered for the purpose of calculation of amount of compensation.

2. Learned counsel for Respondent-insurer vehemently opposed the Appeal by contending that at the relevant point of time, considering the law then prevailing, the Tribunal has not committed any error in order to cause interference in the impugned award.

3. There is no dispute about the fact that Claim Petition No. 311/2002 came to be filed for seeking compensation on account of death of deceased Narayan in an motor vehicular accident which occurred on 1.11.2001. Contention with regard to involvement of the offending vehicle and its ownership is not in dispute. Similarly, evidence led before the Tribunal indicates that no dispute was made about deceased having died due to the injuries sustained in the accident in question.

4. Further, there is no dispute with regard to the age of the deceased to be 51 years. Dispute before the Tribunal was in respect

of his earning and the multiplier to be applied while computing compensation amount. In this regard it is pertinent to note that the Tribunal has held monthly income of deceased at the rate of Rs. 2,500/- and calculation of compensation has been done by applying multiplier of 6. Neither the insurer nor the owner of the offending vehicle has taken exception to the said award. It, therefore, can be safely held that the deceased was aged about 51 years at the time of the accident and he was earning Rs. 2,500/- per month.

5. In view of judgment of the Hon'ble Supreme Court in case of Sarla Varma vs. Delhi Transport, **(2009) 6 SCC 121**, the appropriate multiplier in case of age of 51 years would be 11 and not 6. As far as future prospects are concerned, the Hon'ble Supreme Court in case of Pranay Sethi (supra) has held that even in case of notional income, future prospect depending upon the age of deceased would have to be applied. Here in this case, since deceased was 51 years of age, future prospects would be 10% of the income determined by the Tribunal.

6. As far as compensation granted under other heads is concerned, the order impugned is in tune with the law then prevailing. Hence, this Court finds no reason to cause interference therein.

7. In view of above discussion, Appeal is partly allowed in following terms :-

- (i) Appellants are entitled to recover compensation of Rs. 2,90,400/- towards pecuniary loss from Respondents jointly and severally.
- (ii) So far as compensation granted under other heads is concerned, the order passed by the Tribunal stands confirmed.
- (iii) In case, Respondents fail to pay enhanced amount of compensation within a period of eight weeks, said amount shall carry interest at the rate of 7% per annum.

(R. M. JOSHI)
Judge