



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.266 OF 2014

Smt. Vanita Dayanand Hinge And Anr. ... Appellants

Versus

Mr. Madhusudan Dadasaheb More And Ors. ... Respondents

Mr. Shivprasad Shetty i/b Ms. Deepti B. Mistry for the Appellants.
None for the Respondents.

CORAM : JITENDRA JAIN, J.

DATED : 6 MAY 2026

P.C.:

1. This appeal was admitted on 3 March 2014.
2. Though respondent Nos.1, 2 and 3 were served, there is no appearance today. This matter is of the year 2014 and therefore, the same is heard finally today.
3. The learned counsel for the original applicants states that this is a case of death of a person who was working as a clerk with an advocate. He met with an accident on 12 March 2000.
4. The only issue raised by the learned counsel for the original applicants is that the impugned order was passed in 2013 when the decision in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors.*¹ was not available. He further submits that the

¹ 2017) (16) Supreme Court Cases 680



Tribunal has considered Rs.3,000/- per month as salary whereas the salary of the deceased who was working with the advocate of this Court was Rs.4,500/- per month.

5. I have heard learned counsel for the appellant.

6. Insofar as the salary is concerned, the Tribunal has not given any reasons for rejecting Rs.4,500/- per month and for taking notional income as Rs.3,000/- per month. In my view, the wife of the deceased entered the witness box and submitted that her husband was earning Rs.4,500/- as a clerk working with the advocate.

7. This evidence was not rebutted in the cross examination. However, to put quietus to this issue, in my view Rs.4,000/- per month can safely be considered as notional income of the deceased.

8. The impugned judgment was prior to the decision in the case of *Pranay Sethi (supra)* and therefore future prospects and other parameters were not considered by the Tribunal.

9. If notional income of Rs.4,000/- per month is considered and the parameters laid down by *Pranay Sethi (supra)* are applied then the compensation is as under:



| Particulars | Amount |
|--|----------------------|
| Income per month | Rs.4,000/- |
| Add: 40% future prospects Rs. | Rs.1,600/- |
| Total Annual Income (5,600 X 12) | Rs.67,200/- |
| Income after deduction towards personal expenses 1/4 th | Rs.50,400/- |
| Multiplier | 17 |
| Amount of compensation | Rs.8,56,800/- |
| Funeral expenses | Rs.15,000/- |
| Loss of estate | Rs.15,000/- |
| Loss of consortium | Rs.40,000/- |
| Total Compensation Payable to be paid | Rs.9,26,800/- |
| Less Compensation granted by Tribunal | Rs.3,50,400/- |
| Enhanced Compensation | Rs.5,76,400/- |

10. The original claimants would be entitled to enhanced compensation of Rs.5,76,400/- (Rs.9,26,800/ minus Rs.3,50,400/-) The insurance company is directed to deposit the original decretal amount and the enhanced amount within 12 weeks from today alongwith interest @ 6% p.a. from the date of filing of the petition till its realization. The claimants would be entitled to withdraw the same.

11. Appeal is allowed in the above terms.

[JITENDRA JAIN, J.]