IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.64 OF 2026

Liberty General Insurance Co.Ltd.,
Office at: 10th Floor, Tower-A, Peninsula
Business Park, Ganpatrao Kadam Marg,
Lower Parrel, Mumbai-400 013. ...Appellant
(Orig. Respondent No. 2)

VERSUS

01. Smt. Bebi Chand Sayyad,
Aged about 45 Years, Occu. Household,

02. Ku. Samir Chand Sayyad,
Aged about 24 Years, Occu. Education,

03. Ku. Parveen Chand Sayyad,
Aged about 22 Years, Occu. Education,

04. Smt.Ajambi Sallauddin Sayyad,
Aged about 67 Years, Occu. Household,

All R/o.Ganesh Colony, Malkarapur
Karad, Tal.Karad, Dist. Satara.
A/P. C/o. Vijaykumar Kallappa Jadhav,
"Dhanshree Apartment", Mali Mangal
Karyalaya, Vishrambag Sangli,
Dist.Sangli 416 415 ...Respondents
(Orig. Applicant No. 1 to 4)

05. Shri Vaibhav Anandrao Salunkhe,
Registered Pick-up owner,
Aged about 52 Years, Occu. Trader.
R/o. Nagthane, Chaur Vasti,
Tal & Dist Satara 415 519.

06. Shri Sachin Jaywant Salunkhe
Bolero Pick-up Driver Age 30 Years,
Occu. Driver, R/o.At Neharwadi,
Post Rahimatpur, Tal.Koregaon,
Dist. Satara 415 501 ...Respondents
(Orig. Opponent No.1&3)

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Mr. Sachin H. Phatak for the Appellant.
None for the Respondents.

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CORAM : M. W. CHANDWANI, J.

DATE : 24th APRIL, 2026

ORAL JUDGMENT :

1. Being aggrieved and dissatisfied with the judgment and order dated 16.12.2025 passed by the Motor Accident Claims Tribunal, Sangli, (for short, “the Tribunal”) the Appellant-Original Respondent No.2-Insurance Company has preferred this Appeal.

2. On 08.04.2023 at about 00.40 hours the deceased namely Chand Sayyad along with his son Samir were returning from Goa to Karad after delivering the furniture goods. They were proceeding on Tata Yoddha pick-up No. MH-50-N-1763. When they reached the Village Peth, their vehicle broke-down due to mechanical fault. They parked their vehicle on side strip and were checking the fault when one Bolero Pick-up Van bearing registration No. MH-11-DD-2532 driven by Respondent No.6 came from behind with high speed in rash and negligent manner and dashed the vehicle of the deceased. Due to the dash, the deceased fell down on the road and died on the spot. An offence was registered against Respondent No.6. Respondent Nos.1 to 4-original claimants (for short, “Claimants”) filed a claim petition seeking compensation before the Motor Accident

Claim Tribunal, Sangli. The Tribunal allowed the claim petition and awarded compensation. Against the said judgment and order, this Appeal is preferred.

3. The main contention raised in the present Appeal is that, the income of the deceased, as assessed by the Tribunal, is on the higher side mainly on the ground that the transport business may not be closed on account of death of the deceased. Therefore, the Tribunal ought to have not considered the entire income of the deceased available, for the multiplier. To buttress this submission the decision of **National Insurance Co. Ltd. Vs. Neeru Devi & Ors. [2025 SCC OnLine SC 2799]** has been relied. Another ground which is raised in this Appeal is that one of the claimants i.e. respondent No. 3 is married, and therefore, she ought not to have been considered as a dependent of the deceased for the purpose of computation of the compensation.

4. Though the Claimants are served, none appears for them. Hence, matter is proceeded *ex-parte* against the Claimants.

5. I have heard the learned counsel appearing for the Appellant. I have gone through the impugned order.

6. It appears that the Tribunal, after considering the loan installment amount of Rs. 28,800/- per month being paid by the deceased, arrived at the conclusion that the deceased was earning at least Rs. 50,000/- per month and, accordingly, assessed the income of the deceased at Rs. 6,00,000/- per annum.

7. The learned counsel for the Appellant has relied upon the admission made in the cross-examination of Respondent No. 2, wherein he admitted that the family still receives rent from three vehicles as was being received prior to the death of the deceased. However, the said witness

immediately volunteered that two tempo vehicles had been sold for the purpose of repayment of the loan. Thus, it is not the case that the Claimants are deriving the same income as earlier from the said transport business, since out of the three vehicles, two have already been sold by them.

8. So far as the decision in *National Insurance Co. Ltd. (supra)* is concerned, the Hon'ble Supreme Court has observed that, in the case of a reputed transport contractor, there would ordinarily be no difficulty in continuing the business even after his death. However, in the present case, it is not established that the deceased was a reputed transport contractor. On the contrary, the material on record indicates that the Claimants were unable to continue the transport business in the same manner after his demise, since out of the three vehicles, two are sold by them.

9. Albeit the cross-examination indicates that the Claimants continue to receive rent from one vehicle, this aspect has not been taken into consideration by the Tribunal while assessing the income of the deceased at Rs. 50,000/- per month, which appears to be on the higher side. Considering the fact that the Claimants are still deriving income from one vehicle, the monthly income of the deceased ought to be assessed at Rs. 45,000/-.

10. So far as the submission of the learned counsel for the Appellant that, Respondent No. 3, having been married, cannot be considered as a dependent is concerned, the same deserves to be rejected, as the dependency is required to be assessed with reference to the date of the accident. Therefore, the Tribunal was justified in applying a deduction of 1/4th towards the personal and living expenses of the deceased.

11. In view of the above, the Claimants are entitled for the following compensation :

Sr. No.	Head	Calculation	Amount
1.	Income	Rs. 45,000 (per month) * 12	= Rs. 5,40,000 (per annum)
2.	Future Prospect	25% of Rs. 5,40,000	= Rs. 1,35,000
	Total	Rs. 5,40,000 + Rs. 1,35,000	= Rs. 6,75,000
3.	Deduction Towards Personal Income	Rs. 6,75,000/1/4	= Rs. 1,68,750
	Total	Rs. 6,75,000 - Rs. 1,68,750	= Rs. 5,06,250
4.	Multiplier	Rs. 5,06,250 * 13	= Rs. 65,81,250
5.	Compensation towards - Funeral Charges Loss of Estate Consortium	 Rs. 18,000 Rs. 18,000 Rs.48,000 * 4 (Claimants) = Rs. 1,92,000	= Rs. 2,28,000
	Total Compensation	-	= Rs. 68,09,250

12. The Tribunal has awarded Rs.75,40,500/-. If the amount of Rs.68,09,250/- is deducted from Rs.75,40,500/-, it comes to Rs.7,31,250/-. This is an excess amount. Appellant-Insurance Company is entitled for this excess amount.

13. In view of above, the following order is passed :

O R D E R

I. The Appeal is partly allowed.

II. The Appellant-Insurance Company is permitted to withdraw Rs.7,31,250/-. along with proportionate interest thereon from the deposited amount.

III. The Respondent Nos.1 to 4-Claimants are permitted to withdraw the remaining balance amount of Rs.68,09,250/- along with proportionate interest thereon.

IV. The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.

14. With this, the First Appeal stands disposed of.

[M. W. CHANDWANI, J.]

TALLE SHUBHAM ASHOKRAO

Digitally signed by TALLE SHUBHAM ASHOKRAO Date: 2026.05.05 20:06:37 +0530