

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1344 OF 2014

Pandurang s/o Dipa Pawar, Aged 47
years, Occupation Nil, Resident of
village Kamkhed, Taluka and District
Beed

Appellant

V E R S U S

- 1 The Divisional Controller, Maharashtra
State Road Corporation, Beed, Taluka
and District Beed
- 2 Shaikh Siddiqui s/o Shaikh Hakim, Aged
26 years, Occupation Agriculture,
Resident of Village Kamkhed, Taluka and
District Beed
- 3 Reliance General Insurance Co. Ltd.,
Office at C-9 and C-10, II Floor, ABC
complex, Adalat-Road, Aurangabad

Respondents

Mr. Shrimant S. Mundhe, Advocate for the appellant
Mr. D.S. Bagul, Advocate for respondent no.1
Mr. N.B. Ghute, Advocate, holding for
Mr. Shaikh Faruk V. Patel, Advocate for respondent no.2
Mr. V.N. Upadhye, Advocate for respondent no.3

CORAM : A. V. NIRGUDE, J.

DATE : 22nd JULY, 2015

ORAL JUDGMENT :

1. By consent, this appeal is taken up for final
hearing and heard finally.

2. The only question that arises in this appeal
is, whether the learned Chairman of the Motor Accident

Claims Tribunal, Beed, had erred in calculating amount of compensation payable to the appellant/claimant.

3. ***Admitted facts are as under:-***

The appellant/claimant sustained injury in a motor accident. Because of this injury, he suffered permanent disablement to the extent of 25%. The appellant/claimant is a farmer having 14 acres land. He stated in his deposition that he cultivates this land with various crops and had earned Rs.3 Lac per year as income. No cross-examination was offered to this statement. Even the learned judge did not ask any question to test the veracity of this statement. Despite of this, the learned Chairman discussed the issue of the quantum of income of the appellant very casually. He rejected the appellant's case about his income on the ground that no documentary evidence was produced. In fact, there are 7/12 extracts produced on record showing appellant's ownership in various pieces of lands. The 7/12 extracts also show in cultivation column names of various crops. The learned Chairman apparently ignored this evidence altogether before arriving at a conclusion.

4. The question still arises as to whether the deposition of the appellant that he earned Rs.3 Lac per year as income from 14 acres land, should be believed or not. In such a situation, there could be

doubt about truthfulness of such statements. Some times, for the purpose of getting more compensation people exaggerate. So, the question before the learned Chairman was, whether the deposition of the appellant was an exaggeration. I am not inclined to hold that there is any exaggeration in the deposition of the appellant. Rs.3 Lac per annum could be income from 14 acres land. I found that the lands does not appear to be irrigated. Yet the area of land [14 Acre] would justify income of Rs.3 Lac per year. On a safer side, I would assume that the appellant would at-least earn Rs.2,40,000/- per year. The appellant suffered injury to his legs and he could walk only with the help of stick. It is difficult to supervise cultivation of his lands, which are several pieces scattered in the village.

5. In view of above, I am inclined to hold that the appellant would be entitled to get compensation at the rate of Rs.5,000/- per month, and since the amount of compensation is required to be quantified, multiplier of 15 is proper in his case. So, the amount of compensation payable to the appellant comes to Rs.9 Lac [5000 X 12 X 15]. In addition to this, he would be entitled to the expenses incurred by him at the time of medical treatment. The learned Chairman has awarded Rs.1 Lac towards medical expenses, which need not be interfered with. The learned Chairman also awarded Rs.5,000/- towards pains and sufferings and

other incidental expenses. This amount of compensation is also not required to be disturbed.

Thus, the compensation comes to Rs.10,05,000/-. The appellant has already received an amount of Rs.2 Lac. Remaining amount of compensation be paid to the appellant with interest @6% per annum from the date of application till the date of actual payment thereof.

First Appeal is allowed in above terms.

(A.V. NIRGUDE, J.)