

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 905 OF 2010

Rangnath Gangadhar Ghule .. Appellant

Versus

Shaikh Rashid Nasheer Died
Through L.Rs. Shaikh Rashida
Rashid and others .. Respondents

Shri M. G. Kolse Patil, Advocate for the Appellant.
Shri S. K. Shinde, Advocate for the Respondent No. 1A to 1D.
Shri Arun G. Kanade, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 28TH OCTOBER, 2015.**

PER COURT :

. The application for compensation filed by present appellant on account of permanent disability sustained by him in an accident is partly allowed. The present appeal is filed for enhancement.

2. The learned counsel for the appellant submits that, the Tribunal has not considered loss of income from agriculture. No amount has been awarded in that regard. The multiplier is also wrongly applied. According to the learned counsel paltry sum is awarded on account of pains, shock and suffering, attendance

charges and special diet. According to the learned counsel no amount is awarded towards medical expenses.

3. Mr. Kanade, the learned counsel for the Insurance company supports the order and submits that, Tribunal has considered all the relevant aspects of the matter. Whatever medical bills are produced, said amount is awarded. Considering the disability of 15% and age of the claimant as more than 45 years multiplier has been rightly applied. According to the learned counsel, no error has been committed.

4. I have considered the judgment and record and proceedings. The petitioner is salaried person as has been considered by the Tribunal. His income has been considered by the Tribunal as Rs. 6,000/- per month. Considering 15% disability and by applying the multiplier compensation has been considered to the extent of Rs. 63,100/-. The same does not need any interference.

5. However, it would appear a paltry sum of Rs. 3,000/- is awarded on account of pains, shock, suffering. The said amount awarded is too meager. The claimant has suffered fracture of right shaft femur. The doctor is examined, who has stated that, it has resulted into a limping gait, difficulty in squatting, delayed union of fracture and stiffness in right hip and knee joint. I

would award Rs. 40,000/- towards pains and suffering. Further Rs. 30,000/- I would award towards loss of amenities. For special diet, attendance charges and conveyance Rs. 2,000/- each is awarded and for loss of income Rs. 4,000/- is awarded. Towards loss of income Rs. 4,000/- is awarded, it is calculated as per the record. However, as far as special diet, attendance charges and conveyance is concerned consolidated amount of Rs. 35,000/- is awarded. As such, the claimant would be entitled for compensation of Rs. 2,00,000/-.

6. In the result I pass following order.

7. The award passed by the Tribunal is modified. The respondent Nos. 2 and 3 shall jointly and severally pay an amount of Rs. 2,00,000/- (Rs. Two Lacs only) inclusive of amount paid under no fault liability to the appellant with interest at the rate of Rs. 7.5% per annum from the date of petition i. e. 10.08.2007 till realization . The amount already paid shall be adjusted as on the date the same is paid. The appeal is partly allowed. No costs.

[S. V. GANGAPURWALA, J.]