

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.2117 OF 2014

Rajani w/o Narendra Shinde
Age-27 years, Occ – Nil
R/o Sant Dnyaneshwar Nagar,
Behind Government I. T. I. Hostel,
Beed, Taluka and District - Beed

APPELLANT

VERSUS

1. Santosh s/o Kondibhau Pendbhaje
Age-Major, Occ-Business
R/o Sakur, Taluka-Sangamner,
District – Ahmednagar
- RESPONDENTS
2. United India Insurance Co. Ltd.,
Through its Branch Manager,
Branch Office at Chatrapati Sankul,
Subhash Road, Beed
Taluka and District – Beed
3. The Maharashtra State Road Transport Corporation,
Through Divisional Controller,
M. S. R. T. C. Division, Beed

.....

Mr. Swapnil Joshi for JP Legal Associates, for the appellant
Mr. R. L. Kute, Advocate for respondent No.1
Mr. S. G. Chapalgaonkar, Advocate for respondent No.2
Mr. D. S. Bagul, Advocate for respondent No.3

.....
[CORAM : M. T. JOSHI, J.]

DATE : 9th MARCH, 2015

ORAL JUDGMENT :

1. Admit.
2. With the consent of learned counsel for the parties, heard finally.

3. The only issue involved in the present appeal against award passed by the concerned Tribunal in proceedings under section 166 of the Motor Vehicles Act, is as to whether the additional amount of Rs.82,000/- towards medical expenses should be awarded to the present appellant over the amount of Rs.4,90,956/- awarded by the Tribunal.

4. Evidence on record would show that the present appellant has suffered 20% permanent disability due to the injuries received by her in the accident. Learned Tribunal computed the same at 15% as occupational disability. The appellant submitted that she works with one mobile shoppee. Taking into consideration salary of the appellant @ Rs.7,500/- per month, considering the disability @ 15% and applying multiplier of 17 as the appellant was 27 years old at the time of the accident, loss of future income was computed. Accordingly, an amount of Rs.2,29,500/- was granted towards loss of future income. On the basis of medical bills, referred in the examination in chief, an amount of Rs.1,61,456/- was granted, towards future treatment an amount of Rs.60,000/- was granted and towards mental agony an amount of Rs.40,000/- was granted. Thus, total compensation of Rs.4,90,956/- was granted.

5. Claim in the present appeal is that additional medical expenses of Rs.82,000/- was denied by the learned Member, merely because documents regarding the same were not referred in the examination in chief by the appellant. Learned counsel for the appellant submits that the said amount is wrongly denied, though the documents were filed on record.

6. On the other hand, learned counsel for the insurer submits that though the appellant continued to be in service, which does not require any field job and, therefore, there would be no loss of the future income, still compensation of Rs.2,29,500/- was granted on this count. He, therefore, submits that if overall amount of the compensation is taken into consideration, no interference is called for in the impugned award.

7. Upon hearing both the sides, following point arises for my determination.

POINT

Whether the learned Tribunal has granted just compensation?

8. My finding to the aforesaid point is in the affirmative. In the circumstances, the appeal is dismissed without any order as

to costs for the reasons to follow.

REASONS

9. Above detailed discussion of evidence would show that though the learned Tribunal did not grant medical expenses, which were not proved by the appellant in her examination in chief, the learned Tribunal was liberal in granting an amount of Rs.2,29,500/- towards future loss of income though the appellant carries a table job. Taking into consideration overall facts, in my view, no interference is warranted in the award. Hence the following order.

ORDER

- i) Appeal is hereby dismissed without any order as to costs.

[M. T. JOSHI, J.]