

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

FIRST APPEAL NO. 424 OF 2016

Anis Jafar Shaikh
Age: 23 years, Occu.: Education,
R/o. Dhawalpuri, Tq. & Dist. Ahmednagar,
At present R/o. Omkar Colony,
Nagapur MIDC, Ahmednagar

**...APPELLANT
(Orig. Claimant)**

VERSUS

1. The United India Insurance Company Ltd.
Notice to be served on
Its Divisional Office,
Kisan Kranti Building,
Ahmednagar, Dist. Ahmednagar.
2. Anil s/o. Bhimaji Deokar,
Age: Major, Occu.: Business,
R/o. At Post. Chass, Tq. Nagar,
Dist. Ahmednagar.

...RESPONDENTS

Shri. V.P. Latange, Advocate for Appellant;
Shri. G.S. Rane, Adv. h/f. Shri S.S. Rathi, Advocate for
Respondent No.1;
Shri. A.T. Kanawade, Advocate for Respondent No.2.

...

CORAM: P.R.BORA, J.

DATE :JULY 6th, 2017

...

ORAL JUDGMENT:

. Heard finally with consent of the learned counsel for the parties.

1. The original claimant in Motor Accident Claim Petition No.26/2014, decided by the Motor Accident Claims Tribunal at Ahmednagar on 30th of September, 2015, has filed

the present appeal seeking enhancement in the amount of compensation as awarded by the Tribunal.

2. The only grievance raised in the present appeal by the appellant pertains to the compensation as awarded by the Tribunal towards future loss of income. Learned Counsel appearing for the appellant submitted that the Tribunal has grossly erred in awarding only a sum of Rs.30,000/- towards future loss of income though there was sufficient evidence showing that at the relevant time the appellant was offered a job and was likely to get salary to the tune of Rs.4,500/- per month. According to learned Counsel, in such circumstances, the Tribunal must have assessed the amount of compensation under the head of future loss by holding the said income and by applying the multiplier method.

3. The submission so made is resisted by the learned Counsel appearing for the Insurance Company. Learned Counsel for the Insurance Company, taking me through the discussion made by the Tribunal in paragraph no.8 of its judgment, submitted that the appellant claimant did not prove the future loss of income and, as such, the Tribunal has rightly not resorted to the multiplier method for assessing the future loss of income. Learned Counsel submitted that the Tribunal has rightly determined the amount of compensation and no interference is required in the impugned judgment and award.

4. I have carefully considered the submissions made on behalf of the parties. As I have stated earlier, the only objection raised by the appellant is, the Tribunal did not apply multiplier method while determining the amount of

compensation under the head of future loss. The contention so raised is liable to be rejected in view of the fact that the appellant has utterly failed in bringing on record any evidence showing the loss of his future earning capacity or actual loss likely to be suffered by him. In paragraph no.8 of the judgment the Tribunal has rightly observed that though it was the case of the appellant that he was selected by the Cummins Company and was likely to get salary of Rs.4,500/- per month, he has failed to bring on record any documentary evidence in that regard. In view of the fact that the appellant did not bring on record any evidence showing his loss of earning capacity, the Tribunal was right in not resorting to multiplier method and, instead, by considering the fact that the appellant claimant had suffered 30 per cent permanent disability, had granted compensation to the tune of Rs.30,000/- under the said head. The Tribunal has awarded full medical expenses incurred by the appellant. Under the other heads also, the Tribunal has awarded appropriate compensation.

5. After having considered the entire material on record, it does not appear to me that the Tribunal has committed any error in determining the amount of compensation. The appellant has failed in bringing on record any discrepancy in the impugned judgment and award.

The First Appeal being devoid of substance, is liable to be dismissed and is accordingly, dismissed, however, without any order as to the costs.

(P.R. BORA, J.)

...

AGP/