

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

1 FIRST APPEAL NO.4505 OF 2016

**JAGDISH PRABHAKAR SABLE
VERSUS
ASHUTOSH BABULAL PAL AND OTHER**

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Advocate for Appellant : Mr. A. P. Gunge
Advocate for Respondent No. 3 : Mr. S. G. Chapalgaonkar

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CORAM : SUNIL. K. KOTWAL,J.

DATE : 26th March, 2019

PER COURT:

1. Heard Mr. J.P. Sable for original claimant/appellant, Mr. S.G. Chapalgaonkar for respondent No. 3.
2. This appeal is directed by original claimant for enhancement of the compensation against the award passed by the Motor Accident Claims Tribunal, Vaijapur in M.A.C.P No.46/2012. The Tribunal awarded total compensation of Rs.98,524/- with interest thereon @ 9% per annum.
3. After hearing of the appeal this Court remanded the issue regarding enhancement of compensation with direction to the Tribunal to record evidence regarding the proof of medical bills relied by the claimants. Accordingly, the Tribunal framed additional issue No.5A

and recorded finding that the claimant has proved medical bills and under the head of medical expenditure, the claimant is entitled to compensation of Rs.2,55,000/-. Against that finding no appeal is preferred by insurance company. Therefore this appeal deserves to be allowed to enhance the compensation payable to the claimant. To make it clear, I hold that the claimant is entitled to following compensation under different head :-

i)	Medical expenditure	: Rs. 2,55,000/-
ii)	Lose of income during the period of hospitalization	: Rs.13,524/-
iii)	Pain, suffering and mental agony	: Rs.10,000/-

Total :		Rs.2,78,524/-

4. The claimant is also entitled to interest on this total compensation @ 9% per annum from the date of filing of the petition till realization.

5. First appeal is allowed and the award passed by the Motor Accident Claims Tribunal in MACP No.46/2012 is modified as under :-

“a. The Petition is allowed;

b. Respondent Nos. 1 to 3 do jointly and severally pay total compensation of Rs.2,78,524/- to the claimants with interest thereon @ 9% per annum from the date of filing of

the petition till realization of the amount;

- c. On deposit of the awarded compensation, the claimant shall invest Rs.30,000/- in fixed deposit in any nationalized bank of his choice for the period of 3 years. The remaining compensation amount shall be paid to the claimant through Tribunal by account paid cheque with proportionate cost;
 - d. Award withdrawn accordingly;
 - e. Parties to bear their respective costs of the appeal.”
6. Appeal is disposed of in above said terms.

(SUNIL K. KOTWAL, J.)