

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

FIRST APPEAL NO. 260 OF 2013

Gautam s/o Siddharth Bhagat
Age: 25 years, Occupation: Labour,
R/o Dhar road, Parbbhani, District: Parbhani ... **Appellant**
(Orig. Claimant)

Versus

1. Syed Ejaj s/o Syed Munaf
Age: 40 years, Occu: Business,
R/o Shukarwar Peth, Inamdarpur,
Washim, District: Washim
2. The Oriental Insurance Company Ltd.,
through its Branch Manager,
Old Motor Stand Washim, for service
of summons Daulat Building,
Parbhani, Tq. & Dist. Parbhani ... **Respondents**
(Orig. Respondents)

AND

FIRST APPEAL NO. 262 OF 2013

Gautam s/o Gyanuji Manwar
Age: 38 years, Occupation: Labour,
R/o Dhar road, Parbhani, District: Parbhani ... **Appellant**
(Orig. Claimant)

Versus

1. Syed Ejaj s/o Syed Munaf
Age: 40 years, Occu: Business,
R/o Shukarwar Peth, Inamdarpur,
Washim, District: Washim
2. The Oriental Insurance Company Ltd.,
through its Branch Manager,
Old Motor Stand Washim, for service
of summons Daulat Building,
Parbhani, Tq. & Dist. Parbhani ... **Respondents**
(Orig. Respondents)

Mr. P. S. Agrawal, Advocate for appellants
Mr. P. C. Mayure, Advocate for respondent No.1
Mr. A. S. Deshpande, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 22nd NOVEMBER, 2021

PER COURT :-

. Both these appeals are being decided by this common order, since they arise from the awards passed by the Motor Accident Claims Tribunal, granting compensation on account of injuries and permanent disabilities suffered in one and the same accident. Both the appeals have been filed by the original claimants for enhancement of compensation.

2. The claimant in First Appeal No.260 of 2013, the Tribunal has been awarded a sum of Rs.1,46,867/- with interest @ 6% p.a. on account of 10% permanent disability, while the claimant in other appeal (First Appeal No.262 of 2013), a sum of Rs. 1,62,980/- with interest @ 6% p.a. has been awarded on account of 20% permanent disability.

3. The learned Advocate for the appellants would submit that the amount of compensation awarded by the Tribunal is meager

one. Both the appellants – claimants have suffered permanent disability and loss of earning capacity as well. The learned Advocate took me through the evidence in the matter to ultimately urge for enhancement of compensation.

4. Learned Advocate for the respondent – Insurance Company would, on the other hand, submit that the amount of compensation awarded is on higher side. He, therefore, urged for dismissal of the appeals.

5. Perused the evidence. Considered the submissions advanced. No Medical Officer was examined in proof of disability certificates. There is no evidence to indicate the appellants to have suffered loss of earning capacity. The amount of compensation awarded to the appellants-claimants is found to be more than just and reasonable. This Court, do not find any reason to enhance the same.

6. In the result, both the appeals fail. The same are, therefore, dismissed.

[R. G. AVACHAT, J.]