

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

FIRST APPEAL NO.827 OF 2009

Chandabai w/o. Shantilal Gandhi,
Age : 60 years, Occ. Nil,
r/o. 2/B-53 B, Khote Nagar,
Jalgaon

..Appellant

Vs.

1. National Insurance Company Ltd.,
299, Baliram Peth,
Jalgaon
2. The Chief Officer/Commissioner,
Municipal Council/Municipal Corporation,
Jalgaon

..Respondents

Mr.V.Y.Patil, Advocate for appellant
Mr.A.B.Gatne, Advocate for respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : DECEMBER 02, 2021**

ORAL JUDGMENT :-

Heard.

2. This is an appeal for enhancement of compensation granted by Motor Accident Claims Tribunal, Jalgaon, in Motor Accident Claim Petition No.364 of 2002, on account of injuries and permanent disability suffered in vehicular accident.

3. Learned counsel for the appellant/claimant would submit that the appellant was indoor patient for not less than four months. She suffered three fractures, underwent operation and incurred medical expenditure amounting to Rs.2,70,000/-. The appellant is still unable to squat and undertake daily pursuits. Learned counsel, therefore, urged for substantial enhancement in the amount of compensation.

4. Learned counsel for the respondent/insurance company would, on the other hand, submit that the amount granted is just and reasonable and therefore, no interference is warranted therewith.

5. It appears to be a case of 25% disability as a result of the injuries suffered in the vehicular accident. There is no evidence to indicate the loss of earning capacity. The Tribunal has granted reimbursement of medical expenditure on the basis of the medical bills. It appears that a reasonable amount of compensation worth Rs.1,23,687/- has been awarded. It, however, appears that under some conventional heads, nothing has been awarded, such as, special diet, attendance charges, conveyance, etc. In the fitness of things, granting a consolidated sum of Rs.60,000/- more, would meet the ends of justice.

6. In the result, the appeal succeeds in terms of the following order:-

- (i) The appeal is allowed.
- (ii) The amount of compensation is enhanced by Rs.60,000/- (Rupees Sixty Thousand) with interest at the rate of 6% per annum from the date of the claim petition till the date of payment thereof.
- (iii) The amount shall be deposited with the Tribunal at Jalgaon. On deposit of the amount, the same be paid to the claimant.
- (iv) The amount in deposit, if any, with this Court or the Tribunal, be paid to the claimants with interest accrued thereon.

[R.G. AVACHAT, J.]