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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 33953 OF 2018
WITH
CIVIL APPLICATION NO. 1593 OF 2019
IN
FIRST APPEAL (ST) NO. 33953 OF 2018**

Yogesh Shashikant Pujari

....Appellant

V/s.

Shivaji Dnyandev Kumbhar and others

.....Respondents

Mr. Tejas Hilage for the appellant

**CORAM : NITIN W. SAMBRE, J.
DATE: JULY 7, 2021.**

P.C.:

- 1] Heard learned counsel for the appellant.
- 2] Learned counsel for the appellant would strenuously urge that on the date of accident, applicant was dependent on deceased. According to him, though on the date of recording of evidence, appellant was earning, however, subsequent thereto he has lost his job and that being so, appellant is entitled to enhanced compensation. He would also urge that parents of the appellant died before the date of accident and as such, he was dependent on deceased on the date of

accident i.e. 19/01/2014.

3] Considering the degree of dependency on the date of accident, The Tribunal has awarded compensation Rs. 4,30,000/-.

4] This Appeal is for enhancement. The fact that appellant has completed his degree education in environmental engineering, he cannot be termed as dependent as was gainfully employed. Even if parents of the appellant have expired, and for education purpose, he was dependent on the deceased that by itself will not give him status of a dependent on the deceased throughout life.

5] In my opinion, the Tribunal was justified in awarding reasonable compensation taking into consideration the qualification and placement of the appellant. No case for indulgence is made out.

6] As a consequence, Application for condonation of delay and First Appeal stands rejected.

[NITIN W. SAMBRE, J.]