

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

206 FIRST APPEAL NO.927 OF 2002

Ambadas S/o. Ganeshrao Deshmukh
Age: 40 years, Occu.: Agriculture,
R/o. Tadkalas, Tq.Purna,
Dist.Parbhani. ..Appellant/Ori. Claimant

VERSUS

1. Premraj S/o. Pannalal Mundada
Age: Major, Occu.: Business,
R/o. Tadkalas, Tq.Purna,
Dist.Parbhani.
2. Subhash S/o. Raosaheb Solanke
Age: Major, Occu.: Business,
R/o. Dandegaon, Tq.Kalamnuri,
Dist.Hingoli.
3. Dattatraya S/o. Govindrao Barule
Age: Major, Occu.: Driver,
R/o. Tadkalas, Tq.Purna,
Dist.Parbhani.
4. United India Insurance Co. Ltd.,
Through its Branch Manager,
Parbhani.
5. The New India Assurance Co. Ltd.,
Through it's Branch Manager,
Yashodeep Building, Shivaji Road,
Parbhani.
6. Subhash Govindrao Sarange
Age: Major, Occu.: Driver,
R/o. Dongarkada, Tq.Kalamnuri,
Dist.Parbhani. ..Respondents
(Appeal abated against Respondent No.6
by Court's order dated 23-09-2003)

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Advocate for Appellant : Mr.Girish Rane
Advocate for Respondent No.4 : Mr.S.V.Kulkarni
Advocate for Respondent No.5 : Mr.S.S.Dargad h/f.
Mr.S.G. Chapagaonkar

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CORAM : S. G. DIGE, J.

DATE : 03-10-2022

ORAL JUDGMENT :-

1. By this appeal, the appellant – original claimant is seeking enhancement of compensation.

2. It is the contention of the learned counsel for the appellant that the appellant was injured in the accident and got 25% permanent disability. Appellant was bed-ridden for nine months. Appellant has expended huge amount on medical treatment but this fact is not considered by the Motor Accident Claims Tribunal (for short 'the Tribunal') and has awarded Rs.80,000/- compensation whereas the claim of the appellant was of Rs.1,00,000/-. Hence, requested to allow the appeal and consider the claim of the appellant of Rs.20,000/- in this appeal.

3. It is the contention of the learned counsel for the respondent Nos.4 and 5 that while awarding the compensation, the Tribunal has considered all the aspects and on that basis compensation is awarded. The Tribunal has considered that the appellant was bed-ridden for six months and not for nine months. Hence, the order passed by the Tribunal is legal and valid.

4. I have heard all the learned counsel. Perused the Judgment and order passed by the Tribunal.

5. By this appeal, appellant is seeking enhancement in the compensation. The Tribunal has awarded Rs.80,000/- compensation to the appellant. Appellant has suffered 25% permanent disability in the accident. Two Doctors have been examined by the appellant. Appellant is a farmer. He was bed-ridden for six months. Appellant is resident of Tadkalas, Tq.Purna, Dist.Parbhani, whereas he was admitted for medical treatment initially at Kannad, Dist.Aurangabad and thereafter, at Parbhnai. The Tribunal has not awarded transportation charges. Hence, I am considering Rs.10,000/- as transportation charges. Though, appellant was bed-ridden for more than six months, the Tribunal has not awarded compensation for special diet. Hence, I am considering Rs.10,000/- for special diet. The appellant is entitle for enhancement amount of Rs.20,000/- as observed.

6. In view of above, I pass the following order :

ORDER

(i) Appeal is allowed.

(ii) Appellant is entitle for Rs.20,000/- as enhanced amount alongwith interest @ 6% per annum from the date of filing of the claim petition till its realization.

(iii) Respondents shall deposit the enhanced amount of Rs.20,000/- alongwith interest within six weeks.

(iv) Appellant is permitted to withdraw the deposited amount.

(v) Appeal is disposed of.

(S. G. DIGE)
JUDGE

SPT