

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

FIRST APPEAL NO. 2192 OF 2011

United India Insurance Co. Ltd.,
Through its Divisional Officer,
Division No.1, Jalgaon

..APPELLANT

VERSUS

Shailabai Kishor Chaudhari and Another

..RESPONDENTS

....

Mr. A.S. Usmanpurkar, Advocate for appellant
Mr. S.S. Patil, A.P.P. for respondent no.1

....

CORAM : R.G. AVACHAT, J.
DATE : 21st NOVEMBER, 2022

PER COURT :

1. This is an appeal under Section 173 of the Motor Vehicles Act, 1988. The challenge herein is to a judgment and award dated 29th January, 2011 passed by the Motor Accident Claims Tribunal, Dhule ("Tribunal") in Motor Accident Claims Petition No. 562 of 2008. Vide the impugned judgment and award, a sum of Rs.1,75,000/- has been awarded to Respondent No.1 as compensation on account of injuries and permanent disability suffered in an accident involving motor vehicle. The challenge in this appeal is only to the quantum of compensation awarded.

2. Learned counsel for the appellant – insurance company would submit that Respondent No.1 – claimant was a housewife. The Tribunal

erred in assuming her income notionally. There is no evidence to indicate loss of her earning capacity and even permanent disability as well. According to learned counsel, the amount of compensation awarded is very much on higher side. He, therefore, urged for reducing it substantially.

3. Learned counsel for Respondent No.1 would, on the other hand, submit that just and reasonable compensation has been awarded. He ultimately urged for dismissal of the appeal.

4. Considered the submissions advanced. Perused the evidence relied on. A taxi, bearing no. MH-19-J-1775, knocked down Respondent No.1 – claimant. The disability certificate (Exh.37) indicates the respondent to have suffered 35% of disability. There is on record hospital bill amounting to Rs.18,075/- besides medicine bills. Respondent No.1 – claimant was about twenty-eight years of age when she met with the accident. The Tribunal considered her income at Rs.3,000/- per month notionally. Deducted 1/3rd therefrom towards expenditure of herself. Multiplier of sixteen was applied for working out loss of income. After having gone through the impugned judgment and award, this Court finds the Tribunal to have not made any error in working out the amount of compensation, Respondent No.1 – claimant was entitled to.

5. This Court, therefore, finds no merit in the present appeal. First appeal, therefore, fails. Same is dismissed. The amount of compensation, if any, in deposit with this Court be paid to Respondent No.1 – claimant immediately with interest accrued thereon.

(R.G. AVACHAT, J.)

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