

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1248 OF 2006

Shubhangi Gopalrao Khiste,
Age : 25 years, Occu. : Beauty Parlour,
R/o. : Hedgewar Marg, Station road,
Parbhani, Dist. Parbhani

... APPELLANT
(Ori. Petitioner)

VERSUS

1. Ramchandra Ramkishan Bhutada,
Age : Major, Occu. : Owner of the Jeep,
R/o. : Yeldari, Tq. Jintur, Dist. Parbhani

2. The Oriental Insurance Co Ltd.,
Through its Branch Manager,
'Daulat' Building, Shivaji Chowk,
Parbhani, Dist. Parbhani

... RESPONDENTS
(Ori. Respondents)

...

Mr. A.R. Nikam : Advocate for Appellant
Mr. R.J. Godbole : Advocate for Respondent No.2

....

CORAM : S.G. DIGE, J.
DATE : 18th October, 2022

JUDGMENT

1. By way of this appeal, appellant seeking is enhancement of compensation.

2. It is contention of learned Counsel for appellant that, at the time of accident, the appellant was running beauty parlour and earning more than Rs.3,000/- per month but the

Member, Motor Accident Claims Tribunal, Parbhani (*for short, the Tribunal*) has considered Rs.2,000/- monthly income of the claimant which is at lower side.

3. Learned Counsel further submits that, the Tribunal has not awarded future prospects and multiplier is also not applied. The claimant suffered 24% permanent disability but this fact is not considered by the Tribunal and has awarded compensation on lower side. Hence, requested to allow the appeal.

4. It is contention of learned Counsel for respondent No.2 that, while awarding compensation the Tribunal has considered all the aspects. No permanent disability is caused to the claimant. The Tribunal while granting compensation has considered all the evidence led before the Tribunal. Hence, no interference is required in it.

5. I have heard both the learned Counsel. Perused judgment and order passed by the Tribunal.

6. The appellant is seeking enhancement of the compensation. It is contention of learned Counsel for

appellant that, the monthly income of appellant was Rs.3,000/- per month. Except the evidence of appellant no documentary evidence produced on record to prove that, appellant was earning Rs.3,000/- per month. Hence notional monthly income of the claimant of Rs.2,000/- considered by the Tribunal is proper. The appellant has suffered 24% permanent disability. At the time of accident the appellant was about 23 years of age. The Tribunal has applied multiplier of 15. As per view of the Hon'ble Apex Court in the case of ***Sarla Verma (Smt.) and Others Vs. Delhi Transport Corp. and Another*** reported in ***(2009) 6 SCC 121***, 18 is the proper multiplier. No future prospects are awarded. As per view of ***Hon'ble Apex Court in the case of National Insurance Company Ltd., Pranay Sethi and Others*** reported in ***(2017) 16 SCC 680***, the appellant is entitle for 40% future prospect.

7. Considering above calculations, the appellant is entitle for following compensation :-

Sr. No.	Heads	Amount
1.	Income (per annum) (Rs.2000 x 12)	Rs.24,000/-

2.	Multiplier (18) (Rs.24,000 x 18)	Rs.4,32,000/-
3.	Disability (24%)	Rs.1,03,680/-
4.	Future Prospect (40%)	Rs.41,472/-
5.	Medical expenses	Rs.90,000/-
6.	Suffering + Pain + Special Diet + Mental Agoney	Rs.30,000/-
7.	Total	Rs.2,65,152/-
8.	Tribunal Awarded	Rs.1,91,400/-
9.	Appellant is entitle to enhanced compensation	Rs.73,752/-

8. The Tribunal has awarded amount of Rs.1,91,400/-, if it deducts from amount of Rs.2,65,152/- it comes to Rs.73,752/-. The appellant is entitle for this enhanced amount of compensation. In view of the above, I pass the following order :-

ORDER

- (a) Appeal is allowed.
- (b) Appellant is entitle for enhanced amount of Rs.73,752/- along-with interest @ 6% thereon from the date of filing of claim petition till its realisation.
- (c) Respondents shall deposit the enhanced amount along-with accrued interest thereon within six

(06) weeks before the Tribunal.

- (d) Appellant is permitted to withdraw deposited amount.
- (e) Appeal is disposed of, accordingly.

[S.G. DIGE, J.]