

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

1021 FIRST APPEAL NO.1203 OF 2014

THE NEW INDIA ASSURANCE CO. LTD.
VERSUS
GOVIND UDAY DATIR AND ANOTHER

...

Advocate for Appellant : Mr. A. S. Usmanpurkar
Advocate for respondent No.1 : Mr. V. S. Bedre
Advocate for respondent No.2 : Mr. V. B. Jagtap

....

**CORAM : S. G. DIGE, J.
DATE : 27.09.2022**

PER COURT :-

By way of this appeal, the appellant/ insurance company original respondent No.2 has challenged the judgment and award passed by learned Member, Motor Accident Claims Tribunal, Ahmednagar (for short the Tribunal) on the ground that exorbitant compensation is awarded by the Tribunal.

2. Learned counsel for the appellant submits that, the Tribunal has awarded Rs. 12,83,653/- towards compensation to the applicant, which is exorbitant. Hence it is necessary to reduce it. If claimant is ready to reduce the amount of Rs, 1,00,000/-, then this Court may pass appropriate order.

3. Learned counsel for respondent/ original claimant submits that, amount of Rs. 1,00,000/- may be reduced from his

compensation as per the submission of learned counsel for the appellant and he has no objection for it. Learned counsel for the appellant further submits that, the interest should be at the rate of 6% per annum on the amount which is yet to be withdrawn by the respondent original claimant. Learned counsel for the respondent has no objection for it.

3. Learned counsel for the appellant submits that, the appellant has deposited some amount before this Court. Out of that, this Court has permitted the respondent to withdraw the amount. So the rate of interest on that amount would be 9% and the amount which remained to be withdrawn, the respondent would get that amount at the rate of 6% per annum. Learned counsel for respondents agreed for it. Considering the submissions of both the learned counsel, I pass the following order :-

ORDER

- (i) The appeal is partly allowed.
- (ii) The award is modified as under :-

The claimant is entitled for compensation of
Rs. 11,83,653/- (inclusive of NFL) with interest
@ 6% per annum from the date of petition i.e.
02.06.2007 till actual realization.

- (iv) The Claimant is permitted to withdraw amount as per modified award.
- (v) The Remaining amount along with accrued interest thereon be refunded to appellant Insurance Company.

(S.G. DIGE,)
JUDGE

ysk