

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1171 OF 2017

Reliance General Insurance Co. Ltd.
Thr. Its Manager Legal Mr.Priyank Shah ...Appellant

Versus

Mr.Rajneendran T. Nair & Anr.Respondents

Mr.Rahul Mehta i/b KMC Legal Venture, for the Appellant.
Ms.Prachi Deshpande, for Respondent No.1.

CORAM : S.G. DIGE, J.

DATE : 23 DECEMBER 2022

JUDGMENT:-

1. The issue involved in this Appeal is excessive and exorbitant compensation awarded by the Motor Accident Claims Tribunal, Thane (for short 'the Tribunal'). This Appeal is preferred by the Appellant-Insurance Company-Original Respondent No.2.

2. It is contention of the learned counsel for the Appellant that the Tribunal has awarded exorbitant and excessive compensation under various heads. The deceased was injured in the accident and he had suffered multiple grievous injuries. The Tribunal has awarded compensation under various heads. The excessive compensation of Rs.1 lakhs is given for conveyance.

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The amount of Rs.75,000/- is given for special diet. The amount of Rs.75,000/- is given for attendance. The loss amenities and expectation of life is given Rs.50,000/-. Future Medical Treatment is given Rs.40,000/- so total compensation is awarded of Rs.33,97,000/-. But the Tribunal has considered 20% contributing negligence of the Claimant and the compensation has been awarded of Rs.27,17,600/-. The Compensation awarded under various heads are exorbitant and excessive. Hence, requested to allow the Appeal.

3. The learned counsel for the Respondents/original Claimant submits that the Claimant had sustained multiple fracture injuries. He was admitted at Vashi Municipal Hospital, Sion Hospital, Nanavati Hospital and Attukal Hospital, Thiruvananthapuram at Kerla for taking the treatment. Still the Claimant has not recovered fully from the said injuries. The order passed by the Tribunal is legal and valid.

4. I have heard both the learned counsel. Perused judgment and order passed by the Tribunal.

5. The issue involved in this Appeal is the exorbitant and excessive compensation awarded under various heads. The Tribunal has awarded compensation to the Claimant as follows:-

Sr.No.	Particulars	Amount
1	Amount incurred for medical treatment, medicines, physiotherapy treatment etc.	Rs.14,50,000/-
2	Amount spent for special diet	Rs.75,000/-
3	Amount spent for attendance	Rs.75,000/-
4	Amount spend for conveyance	Rs.1,00,000/-
5	Pain and Suffering	Rs.50,000/-
6	Loss of amenities and expectation of life	Rs.50,000/-
7	Future loss of income	Rs.15,12,000/-
8	Injuries & Disability caused to the applicant	Rs.45,000/-
9	Amount required for future medical treatment	Rs.40,000/-
	Total	----- Rs.33,97,000/- =====

6. It has come on record that the Claimant was admitted in the various hospital for treatment for several days. The Claimant had sustained multiple grievous injuries i.e. multiple fractures on face, fracture of right humerus & right femur, fracture of ribs with other injuries. So it cannot be said that the Claimant has not seriously injured in the accident. In my view the amount spent for conveyance awarded by the Tribunal is Rs.1 Lakh. It is excessive, it should be Rs.30,000/-, and I am considering it Rs.30,000/- as amount for conveyance, rest of the compensation amount's awarded by the Tribunal are proper. I do not find any infirmity in it and I pass following order.

ORDER

(i) The Appeal is partly allowed.

(ii) The amount of Rs.70,000/- alongwith accrued interest thereon be refunded to the Appellant, if it is not withdrawn, by the Claimant. The Appellant is permitted to withdraw it alongwith accrued interest out of deposited amount.

(iii) The statutory amount of Rs.25,000/- be transferred to the Tribunal, Thane. The parties at liberty to withdraw this amount alongwith accrued interest as per Rule.

(iv) The Claimants are permitted to withdraw the amount deposited by the Appellant along with accrued interest thereon except a sum of Rs.70,000/-, which is allowed to be refunded to the Appellant alongwith accrued interest thereon.

(S.G. DIGE, J.)