

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.818 OF 2022**

Reliance General Insurance Co. Ltd.
4th Floor, Chintamani Avenue,
Western Express Highway,
Next to Virvani Industrial Estate,
Goregaon (East), Mumbai – 400 053.
Ins. Policy No.110542312044698
Valid From 15/10/2015 to 14/10/2016

...Appellant

versus

- 1 Dharmawati Rajkumar Soni
Aged: 49 years,
Residing at : Room No.3, Ambika Gold,
Dalvi Chawl, Asalpha Pipeline,
Ghatkopar (W), Mumbai – 400 086
- 2 Amit Bhanushali,
Residing at : 304 Avanti Neelkanth
Kingdom, Nathani Road, Near Vidyavihar
Bus Depot, Vidyavihar (West),
Mumbai – 400086

..Respondents

Ms. Shalini Shankar, Advocate for the Appellant.

Ms. Varsha Chavan, Advocate for the Respondent No.1/Claimant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th DECEMBER, 2023.

Oral Judgment :

1. The issue involved in this appeal is Tribunal has awarded Rs.1,56,000/- compensation for physical disability of the claimant which is on the higher side.

2. It is the contention of learned counsel for the appellant that Tribunal has considered 20% disability of the deceased and, on that basis, Rs.1,56,000/- has awarded as compensation towards physical disability, which is on higher side. Hence, requested to allow the appeal.

3. It is the contention of learned counsel for respondent No.1/claimant that deceased has suffered 20% disability in the accident. A doctor was examined to prove the disability of the claimant. The Tribunal has considered notional monthly income of the claimant at Rs.5,000/- per month and on that basis, the Tribunal has calculated the amount of Rs.1,56,000/- which is proper and no interference is required in it.

4. I have heard both learned counsel, perused the judgment and order passed by the Motor Accidents Claim Tribunal, Mumbai, (for short "the Tribunal").

5. In the accident, the claimant has suffered 20% disability. To prove her disability, claimant has examined Dr. Venu Gopal Ramineni – AW-2. He has stated that due to accidental injuries, the claimant has suffered 20% permanent partial disability to her leg. The disability certificate is at Exhibit-28. The Tribunal while calculating the compensation towards physical disability has observed that due to accidental injury, the claimant cannot sit and squat, so part of her house-work cannot be done by her. The Tribunal has considered the notional monthly income of the claimant at Rs.5,000/- and on that basis, the

Tribunal has awarded Rs.1,56,000/- for physical disability by applying multiplier. I do not find any infirmity in it.

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

ORDER

1. The appeal is dismissed. No order as to cost.
 2. Respondent No.1/claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
 3. The statutory amount be transferred to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
7. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)