

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.44 OF 2000

Maharashtra State Road Transport Corporation, having its office at Vahatuk Bhavan, Dr. A. Nair Marg, Bellasis Road, Bombay Central, Bombay – 400 008.	)	
	)	
	)	
	)	
	)	...Appellant (Org. Op. No.2)

Versus

Mr. Vilas Sadashiv Gawade	)	
Age: 35 Years, Occu: Nil,	)	
R/o. Amboli, Tal. Sawantwadi	)	
Dist. Sindhudurg.	)	...Respondent (Org. Applicant)

Ms. P. M. Bhansali i/by Mr. G. S. Hegde for the Appellant.

Ms. Sarika Shetye i/by Ms. S. B. Shetye for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th APRIL, 2023

JUDGMENT:

1. The issues involved in this Appeal are salary of claimant considered on higher side and interest awarded by the Motor Accident Claims Tribunal, Ratnagiri (for short 'The Tribunal').

2. It is contention of learned counsel for Appellant that

Tribunal has considered the monthly salary of claimant at Rs.4,500/- per month, which is on higher side. The Tribunal has awarded interest @ 12% per annum, which is excessive. Hence, requested to allow the Appeal.

3. Learned counsel for the Respondent-Claimant submits that claimant was driver by profession. He has suffered 30% disability in the said accident and due to accidental injury, he is unable to do any work. The Tribunal has rightly considered the monthly income of claimant at Rs.4,500/- per month. No interference is required in it. The interest awarded by the Tribunal is proper.

4. Learned counsel further submits that Tribunal has not awarded future prospects for which the claimant is entitled.

5. I have heard both the learned counsel. Perused the judgment and order passed by the Tribunal. While dealing with the issue of income of claimant, the Tribunal has observed that claimant was driver by profession. To prove the income of claimant, the claimant examined himself at Exhibit-17. He has stated that, he was bus driver and getting salary of Rs.4,500/- per month. Nothing elicited in his cross-examination to disbelieve his evidence. Considering evidence on record, the Tribunal has considered monthly salary of the claimant at Rs.4,500/- per month. I do not find any infirmity in it.

6. It is contention of learned counsel for the Appellant that, the interest at 12% considered by the Tribunal is excessive

and on higher side. In my view, the Tribunal has not awarded any future prospects and if this amount of future prospects included in the interest amount which is on higher side, it would meet the ends of justice.

7. The learned counsel for the Respondent-Claimant submits that, Respondent would not file cross-appeal for getting future prospects. Her statement is accepted. In view of the above, I pass following order :-

O R D E R

- (i) The Appeal is dismissed. No order as to cost.
- (ii) The claimants are permitted to withdraw deposited amount along with accrued interest thereon.
- (iii) The statutory amount be transmitted to the Tribunal, along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.

(SHIVKUMAR DIGE, J.)