

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

FIRST APPEAL NO.639 OF 2017

Reliance General Insurance Co. Ltd. }
4th Floor, Chintamani Avenue, Off }
Western Express Highway, Next to }
Virwani Industrial Estate, Goregaon (E) }Appellant

V/s.

1. Sou.Jyoti Nanasaheb Vaivale }
Thr. Her Next Friend/Husband }
Shri.Nanasaheb Gangadhar Vaivale }
R/at Hargude Wasti, Post Sanaswadi, }
Taluka-Shirur, District-Pune }
2. Smt.Sunita Bhaskar Pawar }
O/at-4021, A-Wing, Bhima Complex, }
Steel Market, Kalamboli, }
Taluka-Panvel, District-Raigad. }Respondents

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Ms.Poonam Mital, for the Appellant.
None for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st DECEMBER 2023

JUDGMENT :-

1. The issue involved in this Appeal is income of the Claimant is considered on higher side.

2. It is contention of the learned counsel for the

Appellant that, the Tribunal has considered income of Claimant @ Rs.5,000/- per month. The Claimant was working as a labourer in Private Company. No proof was produced on record to show the income of the Claimant still the Tribunal has awarded the compensation, on the basis of said income, which is on higher side. Hence, requested to allow the Appeal.

3. The learned counsel for the Respondent No.1- Claimant is absent. Hence, I am deciding this matter on merit.

4. I have heard learned counsel for the Appellant. Perused judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Pune.

5. The Respondent No.1/Claimant has examined herself to prove her income. She has stated that, she was working as a labourer in Private Company on salary of Rs.5,000/- per month. Due to accident her right leg and right hand are amputated. She can't do any work or activity. Due to amputation she is unable to wear her personal clothes.

6. The Tribunal while dealing with issue of income of Claimant, has observed that, the Claimant was working as a

sweeper on salary of Rs.5,000/- per month. She was permanent employee of the company. On that basis monthly income is considered. I do not find any infirmity in it.

7. In view of above, I pass following order.

ORDER

- (i) The Appeal is dismissed.
- (ii) The Respondent No.1/Claimant is permitted to withdraw amount deposited by the Appellant-Insurance Company along with accrued interest thereon.
- (iii) The statutory amount alongwith interest be transferred to the Tribunal. The parties are at liberty to withdraw it, as per rule.
- (iv) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)