



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1326 OF 2024
IN FA/68/2024

Sanidip Dattatray Kokate

VERSUS

The Oriental Insurance Co.ltd And Anr

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Advocate for Applicant : Mr. Tarde Vivek V.

Advocate for Respondent No.1 : Mr. Swapnil V. Lohiya h/f Mr. R.F.
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CORAM : S.G. MEHARE, J.

DATED : MARCH 15, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for respondent no.1/appellant.
2. Learned counsel for the appellant submits that the learned Tribunal has assessed the compensation on higher side without any cogent and reliable evidence of income of the injured.
3. On the contrary, learned counsel for the applicant would submit that the income of the applicant was established. He suffered 40% disablement to his hand. Therefore, his offset printing business has been highly affected. The quantum of compensation is correct and proper. Therefore, the applicant deserves to withdraw the entire amount.
4. Learned counsel for the appellant again argued that the applicant has claimed the compensation of Rs.8 lac, but the Tribunal suo moto enhanced it upto Rs. 13,93,200/-.

(2)

5. Under the definition of its compensation, the Tribunal has power to grant the just compensation, though the claimants claim lesser compensation. Considering the grounds raised and the disablement of the applicant, the following order is passed :

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is allowed to withdraw 80% of the amount with accrued interest deposited with this Court, on the undertaking to deposit the said amount if the impugned judgment and award is reversed.

(S.G. MEHARE, J.)