

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

FIRST APPEAL NO.1542 OF 2003

Kiran Yashwantrao Desai	}	
Age-31 years,	}	
R/at Shendur, Taluka-Kagal, District-	}	
Kolhapur.	}	Appellant

Versus

1. Mrs.Meena Appaso mane	}	
Adult, Occ : Transport Business	}	
R/at Sangawadewadi, Post-Sangawade,	}	
Taluka-Karveer, District-Kolhapur	}	
2. The United India Assurance Co. Ltd.	}	Respondents
Divisional Office, Near Congress Bhavan,	}	(Original
'E' Ward, Station Road, Kolhapur	}	Opponents)

Ms.Priyanka Babar i/b Mr.Tejpall Ingale, for the Appellant.
Mr.S.A. Ingawale, for Respondent No.1.
Ms.Poonam Mital, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th JANUARY 2024

ORAL JUDGMENT :-

1. By this Appeal the Claimant is seeking enhancement of the compensation.

2. It is contention of the learned counsel for the

Appellant that, the Tribunal has not awarded amount for loss of income for one year and amount is not given for pain and suffering, special diet, convenience. Hence, requested to allow the Appeal.

3. It is contention of the learned counsel for the Respondent-Insurance Company that, the Tribunal has considered all the aspects while awarding compensation as well as doctor was not examined to prove the disability. The disability is only 10%. Hence, requested to dismiss the Appeal.

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

5. Admittedly, the Claimant has suffered 10% disability due to accidental injuries. To prove the disability the Claimant has not examined doctor. Considering the evidence on record, the Tribunal has awarded total Rs.60,000/- as compensation to the Claimant. The Tribunal has not awarded amount for pain and suffering, I am considering Rs.5,000/- for pain and suffering, I am considering Rs.5,000/- for special diet and Rs.5,000/- for

convenience.

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

ORDER

- (i) The Appeal is partly allowed.
- (ii) The Claimants are entitled for enhanced amount of Rs.15,000/- along with accrued interest @ 7.5% per annum from the date of the filing of Claim Petition till realization of the amount.
- (iii) The Respondent-Insurance Company shall deposit enhanced amount within four weeks after receipt of order.
- (iv) The Claimants is permitted to withdraw the deposited amount alongwith interest.
- (v) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)