

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 808 OF 2011

	Tanaji M. Salunkhe, Aged 28 years, Occu: at present nil, R/at. Dhalewadi, Tal. Kavathe Mahankal, District : Sangli.	...	Appellant (Orig.Claimant)
	versus		
1.	The Kolhapur Municipal Corporation having office at Shri Shahu Cloth Market, North Section, 1 st floor, "C" Ward, Kolhapur – 416 002.		
2.	The Director of Insurance, Government of Maharashtra State Mumbai, 264, 1 st floor, Graha Nirman Bhavan, In front of Kalanagar, Bandra (East), Mumba – 400 051.		Respondents (Orig.Respondents)

Mr. Balvant V. Patole, Advocate for the Appellant.

Mr. Shantanu Patil along with Mr. Abhijit Adagule, Advocate for Respondent No.1.

Mr. Kiran Shinde, AGP for the State/Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th FEBRUARY, 2024.

Oral Judgment :

1. By way of this appeal, the claimant is seeking enhancement of compensation.

2. It is contention of learned counsel for the appellant/claimant that due to the accidental injuries, the claimant has suffered 70% permanent physical disability. After the accident, the claimant was unconscious and his left leg is amputated above the knee but while

awarding compensation, the Tribunal has awarded Rs.4,00,000/- as compensation, which is on the lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the respondent No.1-Corporation that while passing the order, the Tribunal has considered all the aspects and, on that basis, the judgment and order is passed. No interference is required in it.

4. Learned AGP for respondent No.2-Director of Insurance submitted that, on the basis of evidence produced on record, the Tribunal has awarded compensation, which is proper. The claimant is not entitled for enhancement of compensation.

5. I have heard all learned counsel, perused the judgment and order passed by the Motor Accident Claims Tribunal, Sangli (for short "the Tribunal").

6. It is claimant's case that on 23rd November, 2006, the claimant was riding on motor-cycle bearing No.MH-09-N-7556 on Pune-Bangalore National Highway. He was proceeding on the left side of the road and his motor-cycle was dashed by City Bus bearing No.MH-09-A-7296. Due to dash, the claimant has suffered injuries and his left leg is amputated above the knee. Due to the accidental injuries, the claimant has suffered 70% permanent physical disability. The said disability was not challenged by the Corporation or the Insurance Company. While awarding compensation, the Tribunal has considered monthly income of the

claimant at Rs.3,000/-, it is proper, but while calculating future prospects, multiplier is not applied. At the time of the accident, the claimant was 28 year old, so proper multiplier is 15.

6.1. The Tribunal has not awarded future medical treatment, I am considering Rs.1,00,000/- for future medical treatment. The Tribunal has awarded Rs.40,000/- for loss of amenities in life. As left leg of the claimant is amputated, I am considering Rs.1,00,000/- for loss of amenities in life. The Tribunal has awarded Rs.20,000/- for pain and suffering, I am considering it at Rs.2,00,000/-. The Tribunal has awarded Rs.10,000/- for special diet, I am considering it at Rs.50,000/-. The Tribunal has awarded Rs.5,000/- for attendance, I am considering it at Rs.25,000/-. The Tribunal has not awarded the amount for artificial leg, I am considering it at Rs.3,50,000/-.

6.2. In view of above, the claimant is entitled for following compensation :

Particulars	Rs.	Amount
Annual Income of the deceased (Rs.3000/- pm x 12 x15 (multiplier))	Rs.	540000.00
Actual Medical expenses	Rs.	100000.00
Future Medical expenses	Rs.	100000.00
Loss of Amenities in life	Rs.	100000.00
Towards pain and sufferings	Rs.	200000.00
Special Diet	Rs.	50000.00
Attendant's Charges	Rs.	25000.00
For Artificial Leg	Rs.	350000.00
Total Compensation.		14,65,000.00

6.3. The Tribunal has awarded compensation of Rs.4,00,000/-, if this amount is deducted from the amount of Rs.14,65,000/- considered by this Court, it comes to Rs.10,65,000/-. The claimant is entitled for this amount.

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

1. The appeal is allowed.
 2. The claimant is entitled for enhanced compensation of Rs. 10,65,000/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount.
 3. The respondents shall deposit the enhanced amount along with accrued interest thereon within eight weeks from the receipt of this order.
 4. The claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
 5. The claimant shall pay court fees on the enhanced amount as per Rules.
8. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)