

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

FIRST APPEAL NO. 1417 OF 2016

Maharashtra State Road Transport)
Corporation Limited,)
(Owner of S. T. Bus No. MH-14/BT-0358))
Through its Divisional Controller, Satara Divisional)
(Orig. Opponent – Represented by)
Divisional Controller, Satara Division)
Satara))....Appellant

Versus

Umesh Uttam Tapase)
Age: 24 years, Occu: Private Service,)
R/o. 253, Malhar Peth,)
Tal. Satara, Dist. Satara)(Original
Claimants)
....Respondent

Mr. Yashodeep Deshmukh a/w Ms. Vaidehi Pradeep and Mr. Ameya Tawde, Advocate for the Appellant.
None present for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JANUARY, 2024.

Oral Judgment. :

1. The issue involved in this appeal is that the Tribunal has awarded compensation on higher side under other heads.

2. It is contention of learned counsel for the Appellant that the Claimant has suffered 10% disability in the accident while awarding compensation, the Tribunal has awarded Rs.25,000/- for special diet, attendance and travelling charges, which are on higher side. Hence, requested to allow the Appeal.

3. Though the Respondent is served. None present for the Respondent. The appeal is of year 2016 hence, I am deciding it on merit.

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

5. It is claimant's case that due to accidental injuries the Claimant has suffered permanent physical disability. To prove the disability the Claimant has examined PW-4 Dr. Umesh Patil, he has stated that the Claimant has sustained "right humerus with fracture right ulna". The Claimant was operated for the fracture injury.

Further, on 18th June, 2011 he was examined radiologically as well as clinically. This witness has notified the disability of 12% due to the “restricted abduction, right shoulder and fixed flexion deformity right elbow”. He further stated that the disability pertaining to whole body may reduce to 10% physical disability.

6. Considering the evidence on record, the Tribunal has observed that the Claimant has suffered 10% disability, his medical expenses were approximately at Rs.55,000/- and the future medical expenses may be required to the Claimant. On that basis, the Tribunal has awarded total compensation of Rs.1,60,000/-, I do not find infirmity in it. As, it has come on record that the Claimant was admitted in the hospital for several days. He was operated for the fracture injury, there is deformity in the right elbow of the Claimant due to accidental injuries. Considering evidence on record, I do not see merit in contention that compensation is awarded on higher side, I pass following order:

ORDER

- i. Appeal is dismissed.
- ii. The Claimant is 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.

- 7. All pending applications stand disposed of.

(SHIVKUMAR DIGE, J.)