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

SHANTANU SHANKARSA DHUDUM
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Date: 2024.05.07 10:56:10 +0530

FIRST APPEAL NO. 416 OF 2012

Supriya Girish Rao,)
Age: 37 years,)
R/at: B-10, Govt. Quarters,)
Near R. T. O. Behind Bandhakam)
Bhavan, Satara Dist: Satara) ….Appellant
(Orig. Applicant)

Versus

1. State Transport Corporation,)
   Miraj Depot, District: Sangli)
2. Managing Director,)
   Vijayanand Road Lines Ltd.,)
   No.1 Enkay Complex,)
   Keshavpur, Hubli, Karnataka)
3. The National Insurance Co. Ltd.)
   Gadag Branch Office,)
   Renuka Arcade, Station Road,)
   Gadag 582101)
   (Notice to be served on Satara)
   Branch, Satara)) ….Respondents
(Orig. Opponents)

Mr. Umesh Mankapure a/w Ms. Bhavika Shinde, Advocate for the Appellant.
Ms. Pinky M. Bhansali a/w Adv. Sana Qureshi, Advocate for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2024.

Oral Judgment :

1. By way of this Appeal, the Claimant is seeking enhanced of compensation.

2. It is contention of learned counsel for the Appellant that due to accidental injuries, the Claimant has suffered 30% permanent physical disability but, the Tribunal has awarded lumsump amount of Rs.1,50,000/- as compensation, which is on lower side. Learned counsel further submitted that the Tribunal should have considered loss of income and future prospects and amount should have been granted for pain and suffering, loss of amenities in life, attendance , medical expenses and special diet, hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent/Corporation that while awarding compensation the Tribunal has considered all the aspects and the Tribunal has passed order on the basis of evidence produced on record and no interference is required in it.

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

5. It is Claimants' case that due to accidental injuries, she has suffered 30% permanent physical disability. To prove the disability, the Claimant has examined Dr. Umesh Patil at Exhibit-45 and Dr. Miling Modak at Exhibit-48. It has come in the evidence of Dr. Umesh Patil that due to disability, the Claimant is unable to sit in cross legs and squat position. He has stated that the Claimant has got fixed flexion deformity of both knees. The Respondent / Corporation has not challenged the disability of the Claimant. Hence, I am considering 30% disability of the Claimant. It is Claimants' case that she was taking tuition and computer classes at the time of accident and from it

she was earning Rs.4,000/- per month but no evidence produced on record to show that she was earning Rs.4,000/- per month. Considering evidence on record, I am considering at Rs.1,500/- as monthly income of the Claimant. As per view of Hon'ble Apex Court in the case of ***National Insurance Co. Ltd. vs. Pranay Sethi, 2017 ACJ 2700 (SC)***, the Claimant is entitled for 40% future prospects. The Tribunal has considered Rs.75,000/- for medical expenses, it is proper. The Tribunal has not awarded compensation for pain and suffering. It appears from record that Claimant was treated on several occasions. She was under treatment for around 4 years hence, I am considering Rs.1,00,000/- for pain and suffering and Rs.1,00,000/- for loss of amenities in life. The Tribunal has not awarded amount for special diet and other expenses and conveyance. As, claimant was under treatment for 4 years and she was admitted in the hospital for couple of days, I am considering Rs.50,000/- for special diet and conveyance. After the accident she is unable to do any work hence, I am considering Rs.1,00,000/- for loss of expectation in life.

6. Considering the above calculations, the claimant is entitled for following compensation.

Monthly income	Rs.1500/-
Add: 40% future prospects	Rs.600/-
Total income	Rs.2100/-
Annual income (Rs.2100/- X 12)	Rs.25,200/-
Multiplier X 16	Rs.4,03,200/-
Medical Expenses	Rs.75,000/-
Physical Pain and suffering	Rs.1,00,000/-
Loss of amenities	Rs.1,00,000/-
Special diet & conveyance	Rs.50,000/-
Loss of expectation of life	Rs.1,00,000/-
Total Enhanced amount	Rs.8,28,200/-
Less awarded by the tribunal	Rs.1,50,000/-
Total enhanced amount	Rs.6,78,200/-

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

ORDER

i. Appeal is allowed.

ii. The Claimant is entitled for enhanced amount of Rs.6,78,200/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount.

iii. The Respondent/Corporation shall deposit the enhanced amount along with accrued interest thereon.

iv. The Claimant is permitted to withdraw the deposited amount along with accrued interest

thereon.

v. The Claimant shall pay deficit Court's fees on enhanced amount, as per Rule.

8. All pending application, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)