

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

FIRST APPEAL NO. 247 OF 2012

The New India Assurance Company)
Regional Office II Jeevan Seva 2nd Floor,)
Santa Cruz (W) Mumbai)....Appellant

Versus

1. Bandu Tukaram Narale)
Aged: 23 years residing at Room No.3 old)
Siddhi Chawl, Bhavani Shankar Road, Dadar)
(W) Mumbai-400 028)

2. Amala Maria Ai Basha)
Regd owner of M jeep No. MH-02-N-9071)
Residing at Gilbert Quarters A-3 G-27/28)
Pancharati Society Marol Maroshi Road)
Andheri (East) Mumbai 400 059)....Respondents

Ms. Poonam Mital, Advocate for the Appellant.
Ms. Ketki Gokhale i/b Mr. A. M. Gokhale, Advocate for the
Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2024.

Oral Judgment. :

1. The issue involved in this appeal is compensation awarded

on higher side.

2. It is contention of learned counsel for the Appellant that due to accidental injuries the Claimant has suffered 12% disability. Though, disability is 12% but the tribunal has awarded Rs.94,681/-, which is on higher side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent No.1/Claimant that due to accidental injuries the Claimant has suffered 12% disability and he was admitted in the hospital for 15 days. The applicant was gold smith by profession and due to disability he faces some problems while making movements. Considering evidence on record, the Tribunal has awarded compensation, which is proper 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, Mumbai (for short "the Tribunal").

5. While dealing with issue of awarding compensation, the Tribunal has observed that the claimant has suffered 12% disability therefore, he is entitled for compensation of Rs.73,440/-. On that basis, he has awarded amount of Rs.94,681/-. In my view, out of this amount the amount of medical expenses is Rs.18,000/-. It is

claimant's case that he had expended Rs.25,000/- for medical expenses but, the Tribunal has considered Rs.18,000/-.

6. Considering the disability of claimant, the Tribunal has awarded compensation. I do not find infirmity in it.

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

ORDER

- i. Appeal is dismissed. No order as to costs.
- ii. The Claimant is permitted to withdraw the 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.

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

(SHIVKUMAR DIGE, J.)