

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**FIRST APPEAL NO. 425 OF 2004**

|                                                                                                                                          |      |             |
|------------------------------------------------------------------------------------------------------------------------------------------|------|-------------|
| Panditrao Balvant Patil,<br>Age: 40 years, Occ: Agriculture and<br>Advocate, R/o. Kakhe, Tal. Panhala,<br>Dist: Kolhapur.                | ...  | Appellant   |
| versus                                                                                                                                   |      |             |
| 1. Bhimrao Rangrao Jadhav,<br>Age: 50 years, Occ: Agriculture and<br>Truck Owner, R/o. Bahirewadi, Tal. Panhala,<br>Dist: Kolhapur.      |      |             |
| 2. Raghunath Baburao Dhole,<br>Age: 40 years, Occ: Truck Driver,<br>R/o. Kodoli, Tal. Panhala, Dist: Kolhapur.                           |      |             |
| 3. The United India Insurance Co. Ltd.<br>1638, Ganga Sadan, Islampur, Dist. Sangli                                                      |      |             |
| 4. The New India Assurance Co. Ltd.<br>Branch-Warananagar (Near Kodoli Nagari<br>Sahakari Bank) Kodoli, Tal. Panhala,<br>Dist. Kolhapur. | .... | Respondents |

Mr. N. J. Patil, Advocate for the Appellant.

Mr. Nikhil Mehta i/b KMC Legal Venture, Advocates for the Respondent  
Nos.1 to 3.

Ms. Poonam Mital, Advocate for the Respondent No.4.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 6<sup>th</sup> MARCH, 2024.**

**Oral Judgment. :**

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

2. It is contention of learned counsel for the appellant/claimant that due to accidental injuries, the claimant has suffered 11% permanent partial disability. The claimant is an advocate and he was getting agricultural income of Rs.1,00,000/- per annum. At the time of accident, he was practising advocate and he was getting Rs.5,000/- per month from law practise. Due to accident, he was confined to bed for two months and he was hospitalised for 13 days but the Tribunal has not considered these facts and has awarded Rs.48000/- as lumpsum compensation, which is on lower side. Hence, requested to allow the appeal.

3. Learned counsel for Respondent No.3 – Insurance Company submitted that judgment and order passed by the Tribunal is legal and valid, no interference is required in it.

4. Learned counsel for respondent No.4-Insurance Company submitted that the Insurance Company is exonerated from paying compensation. Learned counsel further submitted that while passing the judgment and order, the Tribunal has considered all the aspects and, on that basis, judgment and order is passed. No interference is required in it.

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

6. Admittedly, due to accidental injuries, the claimant has suffered 11% permanent physical disability. It has come on record that due to accidental injuries, the claimant could not do his work for two months and he was hospitalized for 13 days. The Tribunal has awarded Rs.5000/- for pain and sufferings. In my view, it is on lower side as the claimant was operated, surgery was done on his shoulder and right hand, steel rod was implanted in his right hand, hence, I am considering Rs.25,000/- for pain and sufferings. The Tribunal has not awarded amount for conveyance and special diet, I am considering it at Rs.5000/-.

6.1. Considering the above calculations, the claimant is entitled for Rs.25,000/- as enhanced compensation.

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

### **O R D E R**

1. The appeal is allowed.
2. The claimant is entitled for enhanced compensation of Rs. 25,000/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount.
3. Respondent Nos.1 to 3 shall jointly and severally deposit the enhanced amount along with accrued interest thereon within six 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 enhanced amount as per Rule.
8. Pending applications, if any, stand disposed of.

**(SHIVKUMAR DIGE, J.)**