

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

FIRST APPEAL NO. 850 OF 2014

The New India Assurance Co. Ltd.
New India Centre, 5th Floor, 17A,
Cooperage, Mumbai- 400 039

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)....Appellant
(Orig. Insurer No.3
being the insurer)

Versus

1. Kiran Pandurang Mohite
Aged about 20 years
Occu: Service & Education
residing at Sabusiddik Road,
Chawl No.-2, room No.-65,
Near Musafir Khanna,
Mumbai-400 001

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)(Original
Applicant)

2. M/s. Reliance Industries Ltd
Maker Chambers, IV, 3rd Floor,
222, Nariman Point, Mumbai-400 021

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)
)....(Org. Insured)
....Respondents.

Ms. Kalpana Trivedi, 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 the Claimant has suffered 80% disability, the Tribunal has awarded Rs.50,000/- for pain, suffering and trauma and Rs.50,000/- for loss of amenities of life and Rs.10,000/- for special diet and conveyance, Rs.3,10,000/- towards disability, which are on higher side. Hence, requested to allow the Appeal.
3. It is contention of learned counsel for the Respondent/Claimant that the claimant has suffered 80% disability due accidental injuries. The Claimant is unable to do any work. The compensation awarded by the Tribunal is proper, 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. Due to accidental injuries, the Claimant has suffered 80% disability. On that basis, the Tribunal has awarded compensation. In

my view, as the Claimant has suffered 80% disability and it is proved through doctor. The compensation awarded by the Tribunal is proper and, 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.
6. All pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)