

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1257 OF 2022

	The Reliance General Insurance Co. Ltd., (Regd. Insurer of M/Truck No. MH-46-F4297) Having their registered office at 4 th floor, Chintamani Avenue, Off. Western Express Highway, Next to Virwani Industrial Estate, Goregaon (E), Mumbai.	...Appellant (Org. Opp. No.2)
	versus	
1	Yusuf Nizam Shaikh, Age 45 years, Occupation : Business, Residing at :32/24, Kasam Building, 6 th Floor, Lane Kumbhar Wada, Trimbak Parshuram Street, Mumbai – 400 004.	(Org. Applicant) ...Respondent
2	Suman Shantaram Pol (Regd. Insurer of M/Truck No.MH-46-F-4297) Residing at Shop No.15, Ground Floor, Black Smith, Plot No.21, Sec-15, Kalamboli, Node, Panvel, Navi Mumbai – 410 218.	(Org. Opp.No.1- Insurer) ...Respondent

Ms. Kalpana R. Trivedi, Advocate for the Appellant.
Mr. Jitendra Gor, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th FEBRUARY, 2024.

Oral Judgment :

1. The issue involved in this appeal is Tribunal has awarded higher amount under the head of loss of pay.

2. It is contention of learned counsel for the appellant – Insurance Company that the Tribunal has awarded amount of Rs.50,000/- under the head of loss of pay without any evidence on record, which is erroneous. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the respondent/claimant that the claimant was doing business in the name and style of “Danish Steel and Engineering Company and was earning Rs.3,00,000/- per annum. The claimant has suffered 44% physical permanent disability and he was admitted in the hospital for 20 days. The Tribunal has awarded Rs.7,26,500/- as the compensation to the claimant. Out of the said amount, Rs.6,31,500/- is for medical expenses. The Tribunal has not applied multiplier nor considered loss of income. The amount awarded by the Tribunal is proper. Hence, requested to dismiss the appeal.

4. I have heard both learned counsel, perused the judgment and order passed by Motor Accident Claims Tribunal, Mumbai.

5. Due to accidental injuries, the claimant has suffered 44% disability but while calculating the compensation, the Tribunal has not applied multiplier nor future prospects is awarded to the claimant. The amount of Rs.50,000/- awarded for loss of pay is on very lower side. The appeal is devoid of merit and I pass following order :

ORDER

1. The appeal is dismissed. No order as to cost.

2. The claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
3. 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. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)