

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 2746 OF 2007
WITH
CIVIL APPLICATION NO. 954 OF 2007**

Shri Nandkumar Dattatraya Chikorde

Aged: 53 years, Occupation: Nil

R/o 435, A/1, Shivajipeth, near

Khandoba Talim, Kolhapur,

District: Kolhapur

...Appellant

Versus

1. Smt. Suman T. More

aged: Major, Occupation: Business,

R/o Shahuil Colony, Plot No. 44/B

Behind Rajarampuri Police Station,

Kolhapur, District Kolhapur.

2. The National Insurance Co. Ltd.

Divisional Office: Station Road,

Near Wateshwar Mandeer, Kolhapur

Policy No. 270800/31/03/6304669

Policy period: 14/09/2003 to 13/9/2004

....Respondents

Mr. Sudhakar G. Thorat for the appellant

Ms. Poonam Mittal a/w Mr. Atharva Bhingardev Advocate for the
respondent insurance company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th DECEMBER 2025

ORAL JUDGMENT:

1. This appeal is preferred by the appellant claimant for enhancement of compensation against the Judgment and Order passed by Motor Accident Claims Tribunal, Kolhapur (for short 'the Tribunal').

2. It is contention of learned counsel for the claimant that due to accidental injury, claimant has suffered 30% permanent disability. Two surgeries were performed on his leg. He was admitted in the hospital for 25 days, but the Tribunal has not considered this fact and has awarded compensation on lower side. The Tribunal has not applied multiplier. The future prospects is not given. No compensation is given for pain and suffering and under other heads. Hence, requested to allow the appeal.

3. It is contention of respondent-insurance company that the appellant was working as accountant and he continued in his services. After the accident, there is no actual loss to the income of the appellant. The Tribunal has passed well reasoned order. No interference is required in it and requested to dismiss the appeal.

4. I have heard both learned counsels, perused impugned Judgment and Order. Admittedly, due to accidental injuries, the appellant has suffered 30% permanent disability. The disability of the appellant has not been challenged by the respondent-insurance company. It appears from the evidence of the doctor that two times surgery was performed on thigh and leg of the appellant and rod was inserted in the leg. The appellant was admitted in the hospital for 25 days, but the Tribunal has awarded Rs. 95,000/- as lumpsum

compensation without considering the future prospects, multiplier and compensation for pain and suffering, loss of comfort. Considering the nature of disability suffered by the appellant, in my view, lumpsum compensation of Rs. 1,25,000/- would suffice as compensation for the appellant under all heads and I pass following order:

ORDER

- I. The Appeal is partly allowed.
- II. The appellant claimant is entitled for enhanced compensation of **Rs. 1,25,000/-** at **7.5%** interest per annum from the date of filing claim petition till realization of the amount.
- III. Respondent No. 2-Insurance Company shall deposit enhanced compensation amount alongwith accrued interest thereon, within a period of six weeks from the date of receipt of this order.
- IV. The appellant claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
- V. The claimant shall pay deficit Court fees on enhanced amount, if any, as per Rule.
- VI. Record and proceedings be sent back to the Tribunal.
5. All pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)

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