

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1334 OF 2017**

HARISH
VITHAL
CHAUDHARI

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by HARISH
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Date:
2025.10.11
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1. Shri. Shankar Khaserao Patil
S/d ; By Heirs :-

1-A. Shanta Shankarao Patil
Age : 55 yrs; Occu : Household

1-B Suraj Shankarao Patil
Age 34 yrs; Occu : Agriculturist.
Both R/O at :-
At and Post :- Gotkhinde,
Taluka: Walwa, District: Sangli

1-C. Savita Pramod Shinde
Age : 37 yrs ; Occu : Household
R/O at :-
At and Post : Nilewadi,
Tal : Tatkanangale
District : Kolhapur

...Appellants

Versus

1. Branch Manager,
The Oriental Insurance Co.
20-E, S. T. Stand Road, Kolhapur.

2. Shri. Amit Balaso Patil
Age : 29 yrs, Occu. : Driver
Peth-Vedgaon, Taluka : hatkanangale,
District : Kolhapur

3. Shri. Vishwanath Balaso Patil
Age : Adult, R/O at :- Peth-Vedgaon,
Taluka : Hatkanangale,
District : Kolhapur

...Respondents

Mr. Swanand R. Ghanavat for the Appellants.
Mr. Nikhil N. Pawar for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th OCTOBER, 2025

JUDGMENT :

1. This Appeal is preferred by the appellants-claimants for enhancement of compensation.
2. It is the contention of learned counsel for the appellant that due to accidental injuries the appellant had suffered 25% permanent disability, but the Tribunal has not awarded future prospects and medical expenses and the amount awarded under other heads is on lower side. Hence, requested to allow the appeal.
3. It is the contention of learned counsel for the respondent Insurance Company that the Tribunal has passed well reasoned order. No interference is required in it. Hence, requested to dismiss the appeal.
4. I have heard both the learned counsel. Perused the impugned order and judgment passed by the Tribunal.

5. It is the contention of learned counsel for the appellants that due to accidental injuries the appellant had suffered 25% permanent disability. The Tribunal has not awarded future prospects and amounts awarded under other heads is on lower side. The claimant has not examined the doctor to prove the disability. Considering these facts, I am considering Rs. 50,000/- as lump sum compensation amount under the other heads as there is no dispute about the injuries suffered by the appellant in the said accident.

6. In view of the above, I pass the following order.

ORDER

- i. Appeal is allowed.
- ii. The appellants/claimants are entitled for enhanced compensation of **Rs.50,000/-** @ 7.5% interest from the date of filing claim petition till realization of the amount.
- iii. The respondent No.2 - Insurance Company shall deposit the enhanced compensation amount along with accrued interest thereon, within six weeks after receipt of this order.
- iv. The appellants/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

v. The claimants shall pay the deficit Court fees on enhanced amount, if any, as per Rule.

vi. Record and Proceedings be sent back to the Tribunal.

7. In view of the above, the appeal is allowed and disposed off.

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

[SHIVKUMAR DIGE, J.]