

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 618 OF 2021

Krishnat Bakaji Surve

Age : Adult, Occup : Nil,

R/ at : Bodakewadi, Tal : Patan,

Dist : Satara

...Appellant

Versus

1. Branch Manager,
New India Assurance Co. Ltd,
Shaniwar Peth, Karad
Tal : Karad, Dist : Satara
2. Vilas Vishnu Suryawanshi
Age : 55 yrs, Occup : Service
R/ at : Charegaon, Tal : Karad,
Dist: Satara
3. Amol Vilas Suryavanshi
Age : 30 yrs, Occp : Driver,
R/at : Charegaon, Tal : Karad
Dist : Satara.

...Respondents.

Mr. Kalpesh U. Patil, for the Appellant.

Ms. Karishma Jhaveri for the Respondents.

CORAM : SHIVKUMAR DIGE, J.
DATE : 4th DECEMBER, 2025

JUDGMENT :

1. This appeal is preferred by the appellant-claimant for enhancement of compensation against the judgment and order passed

by the Motor Accident Claims Tribunal, Karad (for short “the Tribunal”).

2. It is contention of learned counsel for the appellant-claimant that due to accidental injuries, the right leg of the appellant is amputated. But the Tribunal has not considered this fact and has awarded compensation on lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the respondent-insurance company that after amputation of leg, the appellant is continued in his daily work. There is no actual loss to the appellant-claimant. 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 judgment and order passed by the Tribunal.

5. Admittedly, due to accidental injuries, the right leg below knee of the appellant is amputated, but the Tribunal has awarded compensation on lower side. The Tribunal has not awarded Loss of Earning for 6 months. I am considering it at Rs. 1,08,000/-. The Tribunal has awarded medical expenses at Rs.72,500/-. It is on lower side. As per medical records produced on record, it is Rs. 1,45,000/-. I am considering the same amount. The Tribunal has awarded future

medical expenses at Rs. 15,000/-. It is on lower side. I am considering it at Rs. 50,000/-. The tribunal has not awarded attendance charges. I am considering it at Rs. 25,000/-. The Tribunal has not awarded Loss of Conveyance. I am considering it at Rs. 50,000/-. The Tribunal has awarded at Rs.40,000/- for Pain and Suffering. It is on lower side. I am considering it at Rs.1,00,000/-. The Tribunal has awarded at Rs.40,000/- for Loss of comfort. It is on lower side. I am considering it at Rs.1,00,000/-. The Tribunal has not awarded amount for Cost of Artificial Limb and maintenance. I am considering it at Rs.10,00,000/-. The Tribunal has not considering Loss of Marriage prospects. I am considering it at Rs.1,00,000/-.

6. Considering above calculations, the claimant is entitled for following compensation.

Monthly Salary	Rs.18,000/-
Add: 50% future prospects	Rs.9,000/-
Total monthly income	Rs.27,000/-
Total permanent disability 80% and consequent loss of future income to be 80% Total loss Rs.21,600/-per month.	Rs.21,600/-
Total annual income	Rs. 2,59,200/-
Multiplier 18 (Rs.2,59,200/-X18)	Rs.46,65,600/-
Deduction 50%	Rs.23,32,800/-
	Rs.23,32,800/-
Loss of Earning	Rs.1,08,000/-
Medical Expenses	Rs.1,45,000/-
Future Medical Expenses	Rs.50,000/-
Attendant Charges	Rs.25,000/-
Loss of Conveyance	Rs.50,000/-
Pain and Suffering	Rs.1,00,000/-

Loss of comfort	Rs.1,00,000/-
Cost of Artificial Limb and Maintenance	Rs.10,00,000/-
Loss of marriage prospect	Rs.1,00,000/-
Total amount of compensation	Rs.40,10,800/-
Less awarded by the Tribunal	Rs.7,68,000/-
Enhanced amount	Rs.32,42,800/-

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

ORDER

- I. Appeal is allowed.
 - II. The appellant/claimant is entitled for enhanced compensation at Rs.**32,42,800/-** @ 7.5% interest from the date of filing claim petition till realization of the amount.
 - III. The Respondent No.1 - Insurance Company shall deposit the enhanced compensation amount along with accrued interest thereon, within six weeks after 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 the deficit Court fees on enhanced amount, if any, as per Rule.
8. Record and Proceedings be sent back to the Tribunal.
 9. In view of the above, the appeal is allowed and disposed off.
 10. All pending applications, if any, stand disposed off.

[SHIVKUMAR DIGE, J.]