

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 1556 OF 2025

Prakash Vishnu Karpe]
Aged about 47 years,]
Residing at and Post – Pawashi,,]
District – Sindhudurg.]
.... Appellant

Versus

1. Vinay Mangesh Dalvi]
Building No.2, Room No.12,]
Evershine City, Tal. Vasai,]
District: Thane – 401 201.]
2. The New India Assurance Co. Ltd.]
1806, Ashirwad Bhavan,]
Kudal District: Sindhudurg.]
.... Respondents

Mr. T. J. Mendon, Advocate for the Appellant.
Mr. Atharva R. B. i/b Ms. Poonam Mittal, Advocate for Respondent
No.2 – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th NOVEMBER, 2025.

ORAL JUDGMENT. :

1. This appeal is preferred by the Appellant – Claimant for
enhancement of compensation.

2. It is contention of learned counsel for the Appellant that due to accidental injuries, the Appellant has suffered 55% permanent physical disability. The disability of the Appellant has not been challenged by the Respondent No.2 – Insurance Company. The Appellant was running pan stall and earning Rs.4,000/- per month, but the Tribunal has considered Rs.2,000/- per month, which is on lower side. Learned counsel further submitted that the Tribunal has awarded compensation on lower side under the other heads. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the Respondent No.2 – Insurance Company that after the accident, the Appellant had continued his business, 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 counsel, perused the impugned judgment and order passed by the Motor Accident Claims Tribunal, Sindhudurg (for short, “the Tribunal”).

5. It is Claimant’s case that due to accidental injuries, he has suffered 55% permanent physical disability. The disability of the Claimant has not been challenged by the Respondent No.2 –

Insurance Company.

6. It is Claimant's case that he was running pan stall and earning Rs.4,000/- per month, but the Tribunal has considered Rs.2,000/- per month. In my view, at the time of accident, the Appellant – Claimant was 32 years old and was maintaining his family. Considering these facts, I am considering Rs.3,000/- as monthly income of the Appellant. The Tribunal has not awarded compensation for attendant charges, I am considering it at Rs.20,000/-. The Tribunal has not awarded amount for loss of comfort and amenities, I am considering it at Rs.50,000/-. The Tribunal has not awarded amount for conveyance charges, I am considering it at Rs.15,000/-. The Tribunal has not awarded amount for special diet, I am considering it at Rs.20,000/-. The Tribunal has not awarded amount for future medical expenses, I am considering it at Rs.10,000/-. There is a delay for seven years for filing the appeal.

7. Considering the above calculations, the Claimant is entitled for following compensation.

Monthly income	Rs.3,000/-
Multiplier 15 (Rs.3,000/- X 15)	Rs.45,000/-
Multiplier 55% disability (Rs.45,000/- X 55%)	Rs.24,750/-
Annual income (Rs.24,750/- X 12)	Rs.2,97,000/-

Loss of income during treatment	Rs.18,000/- (Rs.3000/- X 6)
Hospital and Medical expenses	Rs.1,10,000/-
Attendant charges	Rs.20,000/-
Ambulance Charges	Rs.20,500/-
Vehicle repair charges	Rs.24,762/-
Loss of comfort	Rs.50,000/-
Conveyance charges	Rs.15,000/-
Special diet	Rs.20,000/-
Future Medical Expenses	Rs.10,000/-
Total compensation	Rs.7,22,232/-
Less awarded by the Tribunal	Rs.2,92,332/-
Enhanced amount	Rs.4,30,000/-

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

ORDER

- i. The appeal is allowed.
- ii. The Appellant – Claimant is entitled for enhanced amount of Rs.4,30,000/- @ 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 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 Appellant – Claimant shall pay the deficit Court fees on enhanced amount, if any, as per Rules.
 - vi. The Appellant - Claimant is not entitled for interest on compensation amount for a delayed period i.e. seven years.
 - vii. Record and Proceedings be sent back to the Tribunal.
9. In view of disposal of appeal, all pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)