

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 95 OF 2001

The United India Insurance Co. Ltd.
Head Office at Madras, through the Manager, Satara
Branch, Satara

Appellant

Versus

- 1 Sushila Khashaba Bebale
Age 35, Occupation – Labourer
- 1A Ramchandra Khashaba Bebale
Age 10, Occupation - Education
- 1B Manisha Khashaba Bebale
Age 7, Occupation - Education
- 1C Usha Khashaba Bebale
Age 5 yrs., Occupation – Education
- 2 Hausabai Hari Bebale
Age 60, Occupation – Nil
All residents of Marul Tarf, Taluka Patan,
District Satara,
Respondent No.1 is the guardian mother of minors
1A to 1C
(Appeal abated against Respondent No.2 and
dismissed against Respondent Nos. 3 and 4 vide
Court order dated 27.08.2010.
- 3 Kiran Lalasaheb Bhoite,
Adult, Occupation Driver
Resident of Aradgaon, Taluka Phaltan,
District - Satara
- 4 Shakuntala Ganpati Kale
Adult, Occupation – Transport Business
Resident of Haripur, Taluka Miraj,
District Sangli

Respondents

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Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the Appellant.
None for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATED : 13th JUNE, 2025.

ORAL JUDGMENT :

1. The issue involved in this appeal is deceased was traveling as gratitude passenger in the offending vehicle.
2. It is contention of learned counsel for the appellant/ Insurance company that deceased was traveling as gratitude passenger in the offending vehicle. The learned Tribunal has recorded the said findings and awarded the compensation, which is erroneous hence requested to allow the appeal.
3. Though respondents-claimants are served, none present for respondents-claimants. The appeal is of year 2001 and date of accident is of year 1993 hence I am deciding this appeal on merit.
4. I have heard learned counsel for the appellant. Perused Judgment and Order passed by Motor Accident Claims Tribunal, Satara (for short "the Tribunal"). While allowing the claim petition, the Tribunal has observed that the deceased was traveling in the offending vehicle with goods and he had paid fare to the driver. Relying on the Judgment of Hon'ble Apex Court in the case of *New India Assurance Company Ltd. Vs. Satpal Singh and Others reported in AIR 200 SCC, 235*, the Tribunal has allowed the claim petition. In my view, the Tribunal has awarded

Rs.96,400/- to the claimants as compensation amount due to death of the deceased. No future prospects, no consortium amount has been granted by the appellant. The accident is of year 1993. The amount of compensation is lower side. Considering these facts, without going into the merit, I pass following order:

ORDER

- i. The appeal is dismissed. No order as to cost.
- ii. The Respondents/claimants are permitted to withdraw deposited amount along with accrued interest thereon.
- iii. The statutory amount along with interest accrued thereon be transmitted to the Tribunal. The parties are at liberty to withdraw it as per Rule.
- iv. R & P be sent back to the Tribunal.
- v. Pending applications, if any, stand disposed off.

(SHIVKUMAR DIGE, J.)