

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

FIRST APPEAL NO.78 OF 2020

Shriram General Insurance Co. Ltd.	}	
Office No.106, Road No.22, Lodha	}	
Suprumus-2, Wagale Estate, Near New	}	
Passport Office, Thane-West-400604,	}	
Maharashtra	}	
Thr. Legal Manager, Mr.Satpalsingh Rajput	}	...Appellant

Versus

1. Mr.Abhijit Ambadas Waydande	}	
Age-25 years, Occ: Service,	}	
R/o.Khanderajuri, Taluka-Miraj, District-		
Sangli.		

2. Shri.Bandulala Babasab Patel	}	
Age-Major, Occ: Business	}	
R/at Opp, Grampanchayat Ap Vaddi,	}	
Taluka-Miraj, District-Sangli	}	...Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture, for the Appellant.
Mr.Ganesh Patil, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

ORAL JUDGMENT :

. This Appeal is preferred by the Appellant-Insurance Company against the judgment and order passed by the Motor

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Accident Claims Tribunal ('The Tribunal' for short), Kolhapur.

2. It is contention of the learned counsel for the Appellant-Insurance Company that, the offending vehicle was not involved in the accident, but this fact is not considered by the Tribunal. The learned counsel further submitted that, interest is awarded on higher side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent-Claimant that, the offence was registered against the driver of the offending vehicle. He was charge-sheeted for the said offences. 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 judgment and order passed by the Tribunal.

5. Admittedly, FIR was lodged against the driver of the offending vehicle. To prove non-involvement of the offending vehicle, driver of the vehicle did not step into witness box nor any witness was examined by the Appellant. Hence, I do not find merit in the contention that offending vehicle was not involved in the accident.

6. While awarding interest, the Tribunal has granted 9.5% interest, in my view, it is on higher side. Hence, I am considering 7.5% interest and I pass following order.

ORDER

- (i) The Appeal is partly allowed.
- (ii) The Claimant's are entitled for @7.5% interest per annum on compensation amount awarded by the Tribunal.
- (iii) The Appellant-Insurance Company is permitted to withdraw excess interest.
- (iv) The Claimant's are permitted to withdraw compensation amount along with interest @ 7.5% per annum from the date of filing of Claim Petition till realization of the amount.
- (v) The statutory amount alongwith interest be transferred to the Tribunal. Parties are at liberty to withdraw it, as per Rules.
- (vi) Record and Proceedings be sent back to the Tribunal.

(vii) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)