

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1380 OF 2005**

Anant Prabhakar Keskar,
Age about 29 years, Occ.: Insurance
Agent, R/o. House No.344,
Near Central School, Vita, Taluka
Khanapur, District Sangli. ... Appellant

Versus

- 1 Tanaji Nivrutti Suryawanshi.
Age about 50 years, Occ. : Vehicle
Owner,
R/o. Mahuli, Taluka Khanapur,
District Sangli.
- 2 New India Insurance Co.Ltd.,
497, Parijat Complex,
Shivaji Circle, Powai Naka, Satara.. Respondents.

Mr. Sharad Bhosale i/b. Mr. Dilip Bodake, Advocate for the Appellant.
Mr. Devendranath S. Joshi i/b. Mr. I. R. Kulkarni, Advocate for
Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th JANUARY, 2025.

Judgment:

1. By this appeal, the appellant/claimant is seeking enhancement of compensation.

2. It is contention of learned counsel for the appellant that the appellant/claimant has suffered 16% permanent physical disability. The appellant was an Insurance Agent. Due to disability, the appellant is unable to do any work but the Tribunal has not considered this fact

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and has awarded compensation on lower side. Hence, requested to allow the appeal.

3. It is contention of learned counsel for respondent No.2- Insurance Company that the appellant failed to prove that due to accidental injuries, he is unable to do any work. The Tribunal has passed well reasoned order. No interference is required in it. Hence, requested to dismiss the appeal.

4. I have heard both learned counsel and perused the impugned judgment passed by the Motor Accident Claims Tribunal, (for short "the Tribunal").

5. To prove the disability, the appellant has examined himself. Disability certificate is produced on record at Exhibit-33. This certificate shows that due to accidental injuries, the appellant has suffered 16% permanent physical disability. Admittedly, due to accidental injuries, the appellant was admitted in the hospital for several days. The appellant is Insurance Agent but due to accidental injuries his movements are restricted. Considering the evidence on record, the Tribunal has awarded Rs.1,65,200/- as compensation amount. It has not been challenged by the Insurance Company. The Tribunal has awarded amount on lower side under various heads. Considering the disability referred by the appellant, he is entitled for enhancement of Rs.75,000/- under all heads.

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

ORDER

- (1) The appeal is allowed.
 - (2) The appellant is entitled for enhanced amount of Rs.75,000/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount.
 - (3) Respondent No.2-Insurance Company shall deposit the enhanced amount along with accrued interest thereon within eight weeks from the receipt of this order.
 - (4) The appellant/claimant is permitted to withdraw the enhanced amount along with accrued interest thereon.
 - (5) The claimant shall pay deficit court fees on enhanced amount, if any, as per Rule.
 - (6) Record and Proceedings be sent back to the Tribunal.
7. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)