

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 4 OF 2008**

1. Pandurang Hindurao Disale
Aged 45 years, Occupation Business

2. Sou. Rekhatai Pandurang Disale
Aged 40 years, Occu. Housework
Both R/o Bhilvadi, Tal. Palus,
District: Sangli

....Appellants

Versus

1. Satish Bapusaheb Kokane
Age Major, Occu. Driver and Owners
of rickshaw, R/o Ambat Bol,
Near Ganapati Temple, Sangli

2. United India Insurance Co. Ltd.
Branch, Miraj

....Respondents

Mr. Ketaki Patil i/by Mr. L. M. Acharya, Advocate for the Appellants
None for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd DECEMBER, 2025.

ORAL JUDGMENT:

1. This appeal is preferred by the appellants-claimants against the Judgment and Order dated 4th July 2007 passed by Ad-hoc

District Judge-1 and Member, M.A.C. Tribunal, Sangli in Motor Accident Claim Petition No. 260 of 2004.

2. It is contention of learned counsel for appellants that the Tribunal has dismissed the claim petition on the ground that accident occurred due to sole negligence on the part of the deceased as he was under influence of liquor and dismissed the claim petition. But the said order is passed without any evidence on record and requested to allow the appeal.

3. Though respondents are served, none appears for them. Hence, I am deciding the appeal on merit.

4. I have perused the impugned Judgment and Order passed by the Tribunal. While dismissing the claim petition, the Tribunal observed that accident occurred due to sole negligence of the deceased as he was under the influence of liquor. I do not find any infirmity in it. The appellants are parents of the deceased. Considering this fact, the appellants are entitled for consortium amount i.e. Rs. 48,000/- each and Rs. 18,000/- for loss of estate and Rs. 18,000/- for funeral expenses.

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

ORDER

- I. The appeal is partly allowed.
- II. The appellants are entitled for compensation amount of Rs. 1,32,000/- at 7.5% interest per annum from 1st November 2017 till realization of the amount.
- III. The respondent-insurance company shall deposit the compensation amount alongwith interest within 6 weeks after receipt of this order.
- IV. The claimants are permitted to withdraw the deposited amount alongwith accrued interest thereon.
- V. The statutory amount be transferred to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
- VI. Record and proceedings be sent back to the Tribunal.
6. Appeal is disposed off in above terms.
7. All pending applications, if any, also stand disposed off.

(SHIVKUMAR DIGE, J.)