

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 2547 OF 2005**

Dhanaji Ganapati Yerandole )  
 Age 44 yrs., Occu. Agriculture & Business )  
 R/o. Manerajuri, Tal. Tasgaon, )  
 District – Sangli. (Maharashtra) )... Appellant

Versus

- 1 The Maharashtra State Road Transport Corporation, )  
 Mumbai. )  
 (The Divisional Controller, The Sangli S.T. Division )  
 Office, Sangli) )
- 2 Balu Abalal Mujawar )  
 Age 54 Yrs., Occu. Driver, )  
 R/o. Haroli, Tal. Kavathe – Mahankal, )  
 District - Sangli )... Respondents

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Mr. Tejpal S. Ingale, Advocate for the Appellant.

Ms. Pinky M. Bhansali, Advocate for Respondent No.1.

**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 13<sup>th</sup> JUNE, 2025.**

**ORAL JUDGMENT :**

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

2. It is contention of learned counsel for the appellant that appellant has suffered 35% permanent physical disability due to accidental injuries and 85% functional disability but this fact has not been considered by the Tribunal. Learned counsel further submitted that the Tribunal has

considered monthly income of the claimant @Rs.1,250/- which is on lower side. The claimant was farmer and he was farming in his land but due to accidental injuries he is unable to do any work. The Tribunal has awarded compensation on lower side under other heads, hence requested to allow the appeal.

3. It is contention of learned counsel for the respondent No.1 / Corporation that claimant was farmer and after the accident he is continued in farming. There is no actual financial loss of the 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 the learned counsel. Perused Judgment and Order passed by the Motor Accident Claims Tribunal, Sangli (for short “**the Tribunal**”). To prove the income of the claimant, the claimant has examined himself. He has stated that he was taking crop of grape from his field and was earning more than Rs.2,00,000/- per year. Nothing elicited in his cross examination to disbelieve that he was farmer. Considering evidence on record the Tribunal has considered monthly income of the claimant @Rs.1,250/- per month. In my view, the claimant was farmer though after the accident, he has continued his farming the income considered by the Tribunal is on lower side, hence I am considering monthly income of the claimant @Rs.1,500/- per month.

5. It is claimant's case that due to accidental injuries he has suffered 100% permanent physical disability. To prove his disability the claimant has examined PW-2- Dr. Kothari. This witness has stated that the claimant was admitted in the hospital and he has treated him and he has given disability certificate of 35%. The doctor had stated that due to disability, there is loss of earning capacity of 85%. The Tribunal has not awarded future prospects and multiplier has not been applied, I am considering it. The Tribunal has awarded amount for pain and suffering Rs.5,000/-, I am considering it Rs.25,000/-. The Tribunal has not awarded amount for conveyance, I am considering it Rs.10,000/-. Considering the above calculations, the appellant/ claimant is entitled for following compensation.

| Particulars                           | Rs. | Entitlement       |
|---------------------------------------|-----|-------------------|
| Yearly income (1,500 X 12)            | Rs. | 18,000/-          |
| Loss of earning capacity 85%          | Rs. | 15,300/-          |
| Future prospects 40%                  | Rs. | 21,420/-          |
| Multiplier (21,420 X 15)              | Rs. | 3,21,300/-        |
| Conveyance                            | Rs. | 10,000/-          |
| Loss of amenities of life             | Rs. | 10,000/-          |
| Pain and suffering                    | Rs. | 25,000/-          |
| Medical expenses already spent        | Rs. | 39,605/-          |
| Total                                 | Rs. | 4,05,905/-        |
| Less compensation awarded by Tribunal | Rs. | 1,35,355/-        |
| <b>Total enhanced amount</b>          | Rs. | <b>2,70,550/-</b> |

Thus the claimant is entitled for enhanced compensation of Rs.2,70,550/-.

6. In view of above, I pass following Order:

**ORDER**

- i) The appeal is allowed.
- ii) The appellant / claimant is entitled for enhanced compensation of Rs.2,70,550/- @ 7.5% interest per annum from the date of filing claim petition till realisation of the amount.
- iii) The respondent No.1 / Corporation shall deposit the enhanced amount along with accrued interest thereon within six weeks after the receipt of this order.
- iv) The appellant/claimant is permitted to withdraw deposited amount along with accrued interest thereon.
- v) The appellant / claimant shall pay deficit court fees on enhanced amount as per rule.
- vi) R & P be sent back to the Tribunal.

7. The appeal is disposed of. All pending applications, if any, also disposed of.

( SHIVKUMAR DIGE, J.)