IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 46 OF 2005

	Vazir Appasaheb Multani Age -29, Occ – Now Nil, R/o at present Pulachi, Tal – Hatkanangale, Dist - Kolhapur	… Appellant
	Versus	
1	Sapana Borewells, Prop Shri. Bharmu Mallappa Awadhoot Age – Major, Occu – Business R/o. Kasaba Digraj, Dist - Sangli	
2	Ramchandra Vishnu Barale Age – 32, Occu – Driver R/o. Khadaklat, Tal - Chikodi, Dist - Belgaum	
3	United India Insurance Co., Station Road, Kolhapur	... Respondents

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Mr. Yuvraj Narvankar a/w. Raufa Shaikh, Advocates for the Appellant.
Mr. H. G. Misar, Advocate for Respondent No.3 / Insurance Company.

CORAM : SHIVKUMAR DIGE, J.
DATED : 20th JANUARY, 2025.

ORAL JUDGMENT :

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

2. It is contention of learned counsel for appellant /claimant that due to accidental injuries the claimant has suffered 60% permanent

physical disability and while awarding compensation Tribunal has not awarded future prospects. The multiplier has not been applied and amount of pain and suffering is given on lower side, hence requested to allow the appeal.

3. It is contention of learned counsel for respondent No.3/Insurance Company that no evidence was produced on record to prove the income of the claimant. The Tribunal has passed well reasoned order no interference is required in it. Hence requested to dismiss the appeal.

4. I have heard both the learned counsel. Perused the Judgment and Order passed by Motor Accident Claims Tribunal, - Kolhapur (for short "the Tribunal"). The Tribunal has considered @Rs.15,000/- as loss of income but the Tribunal has not awarded future prospects. As per the view of Hon'ble Apex Court in the case of ***National Insurance Co. Ltd. vs. Pranay Sethi, 2017 ACJ 2700(SC)***, the claimant is entitled for 40% future prospects as the claimant has suffered 60% permanent physical disability. While awarding compensation, the Tribunal has not applied multiplier. At the time of accident, appellant was 29 years old, hence proper multiplier is 17, I am considering it.

5. Considering the above calculations, the appellant/claimant is entitled for following compensation.

S.No.	Particulars	Rs.	Amount
1	Income	Rs.	1,500/-
2	Yearly Income X Multiplier (17)	Rs.	3,06,000/-
3	40% Future Prospects	Rs.	1,22,400/-
4	Medical Expenses	Rs.	25,000/-
5	Attendant Charges and Nutritious Food	Rs.	22,000/-
6	Pain and suffering	Rs.	20,000/-
7	Loss of Amenities	Rs.	30,000/-
	Total	Rs.	5,25,400/-
8	Compensation awarded by Tribunal	Rs.	1,07,000/-
9	**Total Compensation**	**Rs.**	**4,18,400/-**

The appellant / claimant is entitled for an enhanced amount of Rs. 4,18,400/-.

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

ORDER

i. The appeal is allowed.

ii. The appellant /claimant is entitled for enhanced amount of Rs. 4,18,400/- @ 7.5% interest per annum from the date of filing of claim petition till realisation of the amount.

iii. The respondent No.3-Insurance Company shall deposit the enhanced amount along with accrued interest thereon within 6 weeks from the receipt of this order.

iv. The appellant / claimant is permitted to withdraw the

deposited amount along with accrued interest thereon.

v. The appellant/claimant shall pay deficit Court fees on enhanced amount if any.

vi. R & P be sent back to the Tribunal.

7. The appeal is disposed of. In view of disposal of appeal, all pending applications, if any also disposed of.

(SHIVKUMAR DIGE, J.)

SONALI SATISH KILAJE
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