

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 291 OF 2019**

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Dhanashri Sanjay Shinde,
Age: 20 years, Occ.: Education
R/o Dr. J.J. Magdum Housing Society,
C/o. Murudkar, Agar Bhag, Jaysingpur,
Taluka: Shirol, Dist.: Kolhapur.

...Appellant

Versus

1. Shri Rahul Netaji Mane
Age: Major, Occ.: Business,
R/o Nadives, Shirol, Taluka: Shirol,
Dist.: Kolhapur.
(The owner of APE Auto
Rickshaw No.MH-09-AQ-9457)
2. Shri Namdeo Uddhavrao Jagadale
Age: 39 years, Occ.: Driver, R/o Nadives,
Ward No.1, Jagadale Galli, Shirol,
Taluka: Shirol, Dist.: Kolhapur.
(The owner of APE Auto
Rickshaw No.MH-09-AQ-9457)
3. The Manager,
The New India Assurance Co. Ltd.,
Zele Building, Lane No.7, Jaysingpur,
Taluka Shirol, Dist. Kolhapur.
(The Insurance Company of APE Auto
Rickshaw No.MH-09-AQ-9457)

...Respondents.

Mr. Sudhakar G. Thorat Advocate for the Appellant.
Ms. Jyoti Bajpayee Advocate for Respondent No. 3.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 15th DECEMBER, 2025**

JUDGMENT :

1. This appeal is preferred by the appellant for enhancing of compensation against the judgment and order passed by the Motor Accident Claims Tribunal, Jaysingpur (for short “the Tribunal”).

2. It is contention of learned counsel for the appellant-claimant that due to accidental injury, the claimant has suffered 16% permanent physical disability. The Tribunal has neither applied multiplier nor future prospect is given. The compensation given under the other heads is on lower side. The claimant was admitted in hospital for 46 days. The discharge summary is produced on record. The Tribunal has not permitted the claimant to examine the doctor. Hence, requested to allow the appeal.

3. It is contention of learned counsel for respondent no.3- insurance company that no doctor is examined to prove the disability of the appellant-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 the judgment and order passed by the Tribunal.

5. Admittedly, due to accidental injuries, the claimant has suffered 16% permanent physical disability. The insurance company has not challenged the disability of the claimant. The Tribunal has awarded

Rs. 2,48,000/- as compensation. Out of the said amount Rs. 1,34,000/- is hospital bill. The Tribunal has not applied the multiplier and has not awarded future prospects. The claimant was admitted in hospital for 46 days. Considering these facts, I am awarding Rs. 2,00,000/- as lump sum enhanced compensation and I pass following order :

O R D E R

- I. The appeal is allowed.
 - II. The appellant-claimant is entitled for enhanced compensation of **Rs.2,00,000/-** at 7.5% interest rate from the date of filing claim petition till realization of the amount.
 - III. The respondent-insurance company shall deposit the enhanced compensation amount along with accrued interest thereon within a period of six weeks from date of receipt of this order.
 - IV. The appellant-claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
 - V. The appellant-claimants shall pay the deficit Court fees on enhanced amount, if any, as per Rule.
 - VI. Record and proceeding be sent back to the Tribunal.
6. Appeal stands disposed off in the above terms.
 7. All pending applications, if any, also stand disposed off.

[SHIVKUMAR DIGE, J.]