

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 75 OF 2024

Sharmila Madhukar Sawant
Aged about 23 years
R/o Kasarde, Dhumalwadi
Tal. Kankavali, Dist.Sindhudurg ...Appellant

Versus

1. Prasad Shantaram Jadhav
R/o A & P Kasarde, Taluka Kankavali
Dist. Sindhudurg
2. The Oriental Insurance Co. Ltd.
Kudal Branch, At and Post Kudal
tal. Kudal, Dist. Sindhudurg ...Respondents

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Mr. T. J. Mendon, Advocate for the Appellant.
Mr. Sachin Raje, Advocate for respondent No.2 – Oriental Insurance Co. Ltd.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 12th DECEMBER 2025

ORAL JUDGMENT :

1. This Appeal is preferred by the Appellant-Claimant for enhancement of compensation. It is against the Judgment and order passed by the Motor Accident Claims Tribunal, Sindhudurg-Oros (for short "Tribunal") dated 09.12.2013 passed in Claim Application No.46 of 2011.

2. It is contention of learned counsel for the Appellant that the appellant has suffered 20% permanent physical disability due to

accidental injuries. While awarding compensation, the Tribunal has not awarded multiplier and future prospects. At the time of accident, the claimant was 20 years old. The Tribunal has not considered the monthly income of the claimant. Hence, requested to allow the Appeal.

3. The learned counsel for the Appellant-claimant has relied on Judgment of the Hon'ble Apex Court in **Karuna Parmar Vs. Prakash Sinha and Ors¹**.

4. It is contention of learned counsel for the Respondent – Insurance Company that the claimant was 20 years old at the time of accident and she was student. Hence, her monthly income cannot be considered. The Tribunal has passed well reasoned order. No interference is required in it. Hence, requested to dismiss the appeal.

5. I have heard both the learned counsels, perused the impugned judgment and order passed by the Tribunal. Admittedly, the claimant was 20 years old at the time of accident and she was student. While awarding the compensation, the Tribunal has not considered monthly income of the claimant. Considering the age of the claimant, I am considering notional monthly income at Rs.4,000/- per month. The Tribunal has not awarded future prospects. The

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claimant is entitled for 40% future prospects. The Tribunal has not applied multiplier. The proper multiplier for age of 20 years is '18'. Rest of the compensation awarded by the Tribunal are proper.

6. Considering the above calculation, the claimant is entitled for following compensation:

Particulars	Amount (Rs.)
Loss of Disability Monthly Income 4,000/- Future Prospect 40% 1,600/- Multiplier – 18 and Disability 20% (4000+1600=5600 X12 X 18 X 20% =2,41,920/-)	2,41,920/-
Hospital and Medical Expenses	1,27,356/-
Pain and suffering	75,000/-
Travelling Expenses	41,146/-
Lodging and Boarding of Parents	21,600/-
Attendance Service Charges	49,898/-
Amenities of Life	1,00,000/-
Marriage Prospect	2,00,000/-
Special Diet	25,000/-
Conveyance Charges	25,000/-
Total	9,06,920/-
Less Awarded by Tribunal	2,80,000/-
Total enhanced amount Rs.9,06,920/- (-) Rs.2,80,000/- = 6,26,920/-.	6,26,920/-

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

ORDER

(i) The Appeal is allowed.

(ii) The claimant is entitled for enhanced amount of **Rs.6,26,920/-** at the rate of **7%** per annum from the date of filing claim Petition till realisation of amount.

(iii) The Respondent - Insurance Company shall deposit the enhanced amount along with accrued interest thereon, within six weeks from the date of receipt of this order;

(iv) The claimant is permitted to withdraw the deposited amount along with accrued interest thereon;

(v) The claimant shall pay the deficit Court fees on enhanced amount, if any, as per Rule;

(vi) Record and Proceedings be sent back to the Tribunal.

8. The Appeal is disposed off in the aforesaid terms.
9. All pending applications, if any also stand disposed off.

(SHIVKUMAR DIGE, J.)