

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.775 OF 2024**

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- 1) Mr. Prakash Sahadeo Dhule,
63 Age yrs., Occ.: Nil, and
- 2) Smt. Jyoti Prakash Dhule,
Age 58 years, Occ. Housewife,
All R/o, At & Post Wayangni,
Tal. Malvan, Dist. Sindhudurg. ...Appellants

Versus

- 1) Keshav Nabaji Khude.
Age 32 years, Occ.: -Driver,
R/o. At & Post Nanadval,
Tal. Koregaon, Dist. Satara,
- 2) M/s. Southern India Transport Service,
Gala No. 13, B-3, 1st Floor,
Pritesh Compound, Walpada road,
Tal. Bhivandi, Dist. Thane
- 3) The New India Assurance Company
Guru Govind Nivas, Kalyan,
Through its Kudal Branch,
Tal. Kudal, Dist. Sindhudurg.
- 4) M/s. Maruti Travels,
Prop. Subhash J. Sawant, 604,
6th Floor, Kokan Vishav Bldg,
Kokan Nagar, Jogeshwari (E),
Mumbai
- 5) M/s. Future Generali India
Ins. Co. Ltd. IIIrd Floor,

East Wing, Forbes Building
Charanjeet Ray Marg, Fort Mumbai. ...Respondents

Mr. Hemant Ghadigaonkar for the Appellant.
Mr. Rajesh Kanojia i/b Res Juris for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th DECEMBER, 2025

JUDGMENT :-

1. This appeal is preferred by the appellants-claimants for enhancement of compensation amount against the judgment and order passed by the Motor Accident Claims Tribunal, Sindhudurg Oros (for short “the Tribunal”).

2. It is contention of learned counsel for the appellants-claimants that at the time of incident, the deceased was 1.5 years old. The Tribunal has awarded compensation of Rs. 2,82,000/-. It is on lower side. As the per view of Hon’ble Apex Court in the case of *Meena Devi vs. Munu Chand Mahto @ Nemchand Mahto & Ors*, the claimants are entitled for Rs. 5,00,000/- as compensation amount and requested to allow the appeal.

3. It is contention of learned counsel for the respondent/insurance company that the Tribunal has passed well reasoned order. No interference is require in it and

requested to dismiss the appeal.

4. At the time of incident the deceased was 1.5 years old. As the per view of Hon'ble Apex Court in the case of ***Meena Devi vs. Munu Chand Mahto @ Nemchand Mahto & Ors***, the claimants are entitled for Rs. 5,00,000/- as compensation amount.

5. The tribunal has awarded Rs.2,82,000/- as compensation. The appellants are entitled for remaining amount Rs.2,18,000/- as enhanced compensation.

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

ORDER

- I. The First Appeal is allowed.
- II. The appellant/claimants are entitled to enhanced compensation of **Rs.2,18,000/-** @ 7.5% interest 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 six weeks after receipt of this order.
- IV. The appellant/claimants are permitted to withdraw the deposited amount along with

accrued interest thereon.

V. The claimants shall pay the deficit Court fees on enhanced amount, if any, as per Rule.

VI. Record and Proceedings be sent back to the Tribunal.

7. In view of the above, the appeals are allowed and disposed off.

8. All pending applications, if any, stand disposed off.

[SHIVKUMAR DIGE, J.]