

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

FIRST APPEAL NO.1375 OF 2025

Prajakta Ashok Patil	}	
Age-21 Years,	}	
Occ: Student and Milk vending	}	
R/o. Yedenipani, Taluka-Walwa,	}	
District-Sangli	}	...Appellant

Versus

Branch Manager	}	
Royal Sundaram Alliance Insurance Co. Ltd.	}	
Subramaniam Building, II nd Floor, No.1	}	
Club House Road, Annasalai,	}	
Chennai-600002	}	
Thr. Mr.Sandip Jadhav, Manager Legal	}	

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2. Ujwala Vijay Kokare	}	
Age-Major, Occ: Business	}	
R/at 324/25, Dattadarshan Apartment,	}	
Guruwar Peth, Satara, District-Satara	}	
(owner of Truck)	}	

3. Prashant Parshuram Kadam	}	
Age-40, Occ: Service,	}	
R/o. Malegaon, Taluka & District-Satara	}	
(Driver of Truck)	}	...Respondents

**WITH
FIRST APPEAL NO.1123 OF 2016**

Branch Manager	}	
Royal Sundaram Alliance Insurance Co. Ltd.	}	
Subramaniam Building, II nd Floor, No.1	}	
Club House Road, Annasalai,	}	

Chennai-600002	}	
Thr. Mr.Sandip Jadhav, Manager Legal	}	
District-Sangli	}	...Appellant

Versus

1. Prajakta Ashok Patil	}
Age-21 Years, Occ: Student and Milk	}
vending, Minor, Thr. Her Guardian	}

Rajshri Ashok Patil	}
Age-42, Household	}
Both R/o. Yedenipani, Taluka-Walwa,	}
District-Sangli	}

2. Ujwala Vijay Kokare	}
Age-Major, Occ: Business	}
R/at 324/25, Dattadarshan Apartment,	}
Guruwar Peth, Satara, District-Satara	}
(owner of Truck)	}

3. Prashant Parshuram Kadam	}	
Age-40, Occ: Service,	}	
R/o. Malegaon, Taluka & District-Satara	}	...Respondents
(Driver of Truck)	}	

Mr.Akshay Kulkarni a/w Mr.Avesh Ghadge i/b Mr.Sharad Bhosale, for the Appellant in FA No.1375/2025.

Mr.Akshay Kulkarni a/w Mr.Avesh Ghadge, for Respondent Nos.1 and 2 in FA No.1123 of 2016.

Mr.Nikhil Mehta i/b KMC Legal Venture, for Respondent No.1 in FA No.1375 of 2025 and for the Appellant in FA No.1123 of 2016.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JULY 2025

ORAL JUDGMENT :-

. This Appeal is preferred by the Appellant-Insurance Company against the judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Islampur.

2. The Respondents-Claimants have also preferred Cross Appeal for enhancement of compensation as, Appeal and Cross Appeal are against the same judgment and order. I am deciding it by this common judgment.

3. It is contention of learned counsel for the Appellant-Insurance Company that, the Tribunal has considered monthly income of the Claimant at Rs.6,000/- per month, which is on higher side. The Tribunal has considered disability of the Claimant on higher side and on that basis compensation is awarded, which is erroneous. The learned counsel further submitted that the Claimants must have been married, but the Tribunal has given Rs.1,50,000/- for loss of marriage prospects, which is on higher side and requested to allow the Appeal.

4. The learned counsel for the Respondent fairly submitted that during pendency of the Appeal. The Claimant is married. The learned counsel further submitted that, the Claimant has completed diploma in Mechanic. She got 35% permanent physical disability due to accident. Because of the disability she is unable to get any job. The Tribunal has considered Rs.6,000/- per month income, which is on lower side. The Tribunal has not awarded future prospects and requested to allow the Appeal and dismiss the Appeal filed by the Insurance-Company.

5. I have heard both learned counsel. Perused judgment and order passed by the Tribunal.

6. Admittedly, due to accidental injuries the Claimant has suffered 35% permanent physical disability. At the time of accident her educational qualification was diploma in Mechanical Engineering. The Tribunal has considered her monthly income at Rs.6,000/- per month. In my view, it is on lower side.

7. It appears from record that, in 12th standard she had secured 92%, it shows that, she is meritorious. Due to 35%

permanent physical disability her movements are restricted and it will affect her life long. Considering these facts, I am considering her monthly income at Rs.11,000/- per month.

8. The Tribunal has not awarded future prospects. As per view of the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd. V/s. Pranay Sethi¹***, it should be 40%, hence, I am considering 40% future prospects.

9. The Tribunal has awarded Rs.1,50,000/- for loss of marriage prospect, as it has come on record, the Claimant has got married, hence, she is not entitled for this amount. Considering above calculation's the Claimant is entitled for following compensation.

Particulars	Amount
Monthly Income	Rs.11,000.00
Annual Income (Notional Income X 12 months)	Rs.1,32,000.00
(+) Future Prospects (40%)	Rs.64,680.00
Annual Income After Future Prospects (18)	Rs.11,64,480.00
Travelling	Rs.21,240.00
Medical Expenses	Rs.2,60,130.00
Loss of Marriage	Rs.1,50,000.00

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Pain & Suffering	Rs.1,50,000.00
Special Diet	Rs.10,000.00
Total Loss of Income	Rs.17,55,610.00
Interest 7.5%	
Total Just Compensation Payable	Rs.17,55,610.00
Tribunal Awarded	Rs.10,44,970.00
Enhanced Compensation	Rs.5,60,640.00

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

ORDER

- (i) The Appeal No.1123 of 2016 is partly allowed.
- (ii) The Cross Appeal No.1375 of 2025 is allowed.
- (iii) The Claimant is entitled for enhanced amount of Rs.5,60,640/- @ 7.5% from the date of filing Claim Petition till realization of the amount.
- (iv) The statutory amount in Appeal No.1123 of 2016 alongwith interest be transferred to the Tribunal. Parties are at liberty to withdraw it, as per Rules.
- (v) Record and Proceedings be sent back to the Tribunal.

(vi) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)