

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

FIRST APPEAL NO.571 OF 2024

Bajaj Allianz General Insurance Company Ltd. ...Appellant

V/s.

Alka Vijay Chautray and Anr. ...Respondents

Mr.Sarthak Diwan:-	Advocate for Appellant.
Mr.Vasant More:-	Advocate for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 10th OCTOBER 2025

P. C. :-

1. Heard learned Advocate Shri.Diwan for the Appellant and learned Advocate Shri.More for Claimant / Respondent No.1.

2. The Award is arising out of the Claim Petition for injury claim. It is a matter of record that the Claimant has obtained the VRS. There is documentary evidence to that effect. The relevant observations find place in paragraph No.40 and the calculation find place in paragraph Nos.43 (Page No.24). The submission of Mr.Diwan is as follows:-

(a) When a person is taking VRS and when the reason for VRS (injuries sustained during accident) is not there is on record, the Insurance Company cannot be saddled with the liability

- for paying the compensation considering the future prospect
- (b) In this case, the future prospect of 15% is considered (15% of Rs.77,000/- comes to Rs.11,550/-.
- (c) After VRS, if the Claimant is getting pension, this ought to have been considered by the Tribunal while considering the income of the Claimant. This is not considered.
3. By way of reply, learned Advocate Shri. More submitted that what is the effect of pension while considering the total income is considered in case of *Hanumantharaju B. through LR V/s. M. Akram Pasha and Anr.*¹.
4. Stand over to **14th October 2025**. To be listed as “**Part Heard**”.

[S. M. MODAK, J.]

¹ 2025 ACJ 1521