

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1507 OF 2025

United India Insurance Company Limited
 Having Their Regional Office at
 Union Co-op. Insurance Building, 6th Floor
 Sir P. M. Road, Fort, Mumbai – 400 001

... Appellant

Versus

- 1 Ramesh Balu Jadhav
Aged : 70 yrs. (Father of the deceased)
- 2 Rajeshree Ramesh Jadhav
Aged : 57 years (Mother of the deceased)
- 3 Mukesh Ramesh Jadhav
Aged : 27 years (Brother of the deceased)
All Residing at L Boudhwadi, Mahu, Post Mahu,
Tal. Mandangad, Dist. Ratnagiri – 415 2043
- 4 Registrar Dr. Balasaheb Sawant Kokan Krushi
Vidyapeeth
Having their address at :
Dapoli, District – Ratnagiri – 415 2043

... Respondents

.....

Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the Appellant.
 Mr. Niketan Nakhawa, Advocate for Respondent Nos. 1 to 3.

CORAM : SHIVKUMAR DIGE, J.

DATED : 29th JULY, 2025.

ORAL JUDGMENT :

1. This appeal is preferred against the Judgment and order passed by the Motor Accident Claims Tribunal, Mumbai (for short “the Tribunal”).
2. It is contention of learned counsel for the appellant that the Tribunal

has considered monthly income of the deceased at Rs.26,765/- without any evidence on record which is on higher side. Hence requested to allow the appeal.

3. It is contention of learned counsel for the respondent Nos.1 to 3 /claimant that due to accident, all the occupants in the bus died on the spot except one passenger who was sitting beside the driver. After the accident, due to serious injuries, the said passengers were admitted in the hospital and after discharge from the hospital, he filed FIR against the driver of the offending bus. So there is no intentional delay in filing of FIR. Learned counsel further submitted that though the appellant/ Insurance Company have raised various grounds in the appeal but no evidence is produced on record in support of the defenses taken by the Insurance company. Learned counsel further submitted that the claimants have received compensation under insurance scheme but it was not for accidental injuries and it was from their personal insurance policy. Hence, the amount received in those personal insurance policies cannot be deducted from compensation which they are liable to receive under the accident claim. Learned counsel further submitted that 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 Judgment and Order

passed by the Tribunal. It is claimants' case that the deceased was working as Junior clerk at Dr. Balasaheb Sawant Kokan Krishi Vidyapeet, Dapoli. To prove the income of the deceased, the claimants have examined Registrar of Kokan Krushi Vidyapith. The claimants have examined claimant No.1, Ramesh Jadhav, he has stated that the deceased was working as a clerk in Dr. Balasaheb Sawant Kokan Krishi Vidyapeet, Dapoli and his monthly salary Rs.25,000/-. While dealing with the issue of income of the deceased, the Tribunal has observed that DW-1 has placed salary certificate of the deceased on record. The gross salary of month of June-2018 as per the revised salary Rs.26,765/- on that basis the Tribunal has considered monthly income of the deceased at Rs.26,765/- . I do not find infirmity in it. In my view, the deceased was Government servant and his salary is based on the salary certificate. The Tribunal has passed well reasoned order, no interference is required in it.

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

ORDER

- i. The appeal is dismissed. No order as to cost.
- ii. The respondent Nos. 1 to 3/claimants are permitted to withdraw the deposited amount along with accrued interest thereon.
- iii. The statutory amount be transmitted to the Tribunal

along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.

- iv. R & P be sent back to the Tribunal.
- v. All pending applications, if any, stand disposed of.

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(SHIVKUMAR DIGE, J.)