

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

FIRST APPEAL NO.1585 OF 2024

Reliance General Insurance Co. Ltd. 4 th Floor, Chintamani Avenune, Opp. Western Express Highway, Near Virvani Industrial Estate, Goregaon (E), Mumbai.	} } } } }	... Appellant
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V/s.

1. Mr.Ashutosh Rajendraprasad Pandey Age-37 years, R/at Flat No.203, Devrishti Tower, R.G. Patil Road, Indralok, Phase-4, Navghar Village, Bhayandar (W), Thane-401 105.	} } } } } } } } } }	
2. Prachi Tours & Travels Prop : Prachi Bhosale Address at : E-25/A, Nirmala Niwas, At Mai Merwanji Street, Parel, Mumbai-400 012.	} } } } } } } } } }	... Respondents

Mr.Avesh Ghadge i/b Mr.Akshay Kulkarni, for the Appellant.
 Ms.Rina Kundu, for the Respondents.

CORAM : R.M. JOSHI, J.

DATE : 11th DECEMBER 2025

ORAL JUDGMENT :

. This Appeal takes exception to the judgment and

award dated 9th February 2024 passed by Motor Accident Claims Tribunal, Mumbai in MACP No.2333 of 2025 whereby the injury claim filed by the Claimant came to be allowed by directing payment of compensation of Rs.21,98,039/- with interest @7% per annum from filing of the Application till realization of the amount.

2. Perusal of the record indicates that, there is no dispute made by the parties with regard to the occurrence of the accident on 29th May 2015 involving motor-cycle bearing Registration No.MH-02-CY-3826 and motor car bearing Registration No.MH-01-BD-9305. The owner of the offending vehicle failed to appear before the Tribunal and the claim proceeded against ex-parte. The Insurer however filed Written Statement at Exhibit-14 and denied the contention of the Claimant with regard to the occurrence of the accident, income and disability etc. The Tribunal accepted the claim. Hence, this Appeal.

3. The learned counsel for the Appellant submits that there is contributory negligence of the injured himself in the

occurrence of the accident which has not been taken into consideration by the Tribunal. He also takes exception to the compensation granted towards medical expenses to the extent of Rs.13 lakhs on the ground that the said medical expenses are reimbursed. It is his further contention that the Tribunal has erred in granting compensation for loss of income for a period of 12 months so also granted Rs.50,000/- towards conveyance without any evidence.

4. The learned counsel for the Respondents-Claimants supported the impugned judgment and award of the Tribunal. However, she seeks enhancement of the compensation on the ground that the Tribunal ought to have accepted the assessment of disability to the extent of 60% as done by the doctor.

5. The initial burden was on the Claimants to prove the manner of the occurrence of the accident. The Claimant examined himself. He deposed as to how the accident occurred. In his cross-examination nothing is elicited to indicate that he was responsible in any manner for the accident. There is no evidence led by the Opponents to prove otherwise.

6. Insofar as the grant of compensation for loss of income of the 12 months is concerned, the Claimant has led evidence indicating his hospitalization on five occasions within a span of a period of 12 months. The Tribunal has also taken into consideration the said evidence on record and has held that the Claimant was successful in proving loss of income during this period. This Court finds no reason or justification to cause interference therein. The said findings are in-consonance with the evidence on record. With regard to the medical reimbursement, now the law is settled to say that the medical reimbursement would not become a ground for not compensating the medical expenses. As far as the conveyance is concerned in view of the fact that the Claimant required hospitalization for five times within a period of 12 months, obviously conveyance charges would be involved. The said compensation granted is not exorbitant to caused interference therein

7. On the point of enhancement sought by the Claimant, it is necessary to take note of the fact that having regard

to the nature of injuries caused to the Claimant, the learned Tribunal has accepted the disability to the extent of 10%. In the facts of the case, the said findings require confirmation. Hence, Appeal stands dismissed.

8. All pending Applications are disposed of.
9. Record and Proceedings be sent back to the Tribunal.
10. Statutory amount be transmitted as per Rule.

(R.M. JOSHI, J.)