

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1120 OF 2025

Shriram General Insurance Co. Ltd.) Appellant
Office No. 106, Road No. 22, Exclensia)
Lodha Supurmus-2, Wagle Estate, Thane (W)-400604)

Versus

1 Mohini Mahesh Patil)
Aged About 23 years,)
Residing at Room No.4, Sakpal Chawl,)
Dattatray Nagar, Golibar Road, Ghatkopar (W),)
Mumbai- 400086)
2 M/s. Sidhnath Tours and Travels)
Prop. Mr. Santosh Dnyanu Sargar)
Address – Room No. 104, Indira Nagar-1,)
Saibaba Chawl, Limboni Baug, Govandi,)
Shivaji Nagar, Mumbai - 400043)... Respondents

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Ms. Shalini Shankar, Advocate for the Appellant.

Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATED : 4th JULY, 2025.

ORAL JUDGMENT :

1. The issue involved in this appeal is compensation for loss of child is given on higher side.

2. It is contention of learned counsel for the appellant/Insurance Company that the Tribunal has awarded Rs.5,00,000/- for loss of child

which is on higher side, hence requested to allow the appeal.

3. It is contention of learned counsel for respondent No.1/ claimant that due to accidental injuries there was miscarriage of the respondent No.1/ claimant. At the time of accident she was three months pregnant. She has lost her child due to accident. 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 Motor Accident Claims Tribunal, Mumbai (for short “**the Tribunal**”). The appellant-Insurance company has raised the ground of awarding compensation of Rs.5,00,000/- for loss of child. In my view it is on higher side, hence I am considering Rs.3,00,000/-. In view of above, I pass following order:

ORDER

- i. The appeal is allowed.
- ii. The respondent No.1/claimant is entitled for compensation of Rs.20,64,626/- at the interest fixed by the Tribunal. The claimant is permitted to withdraw deposited amount along with interest.
- iii. The appellant/Insurance Company is permitted to withdraw the excess amount of Rs.2,00,000/- excluding

interest.

iv. The statutory amount along with interest be transferred to the Tribunal. Parties are at liberty to withdraw it as per rules.

v. R & P be sent back to the Tribunal.

5. The appeal is disposed of. All pending applications, if any also disposed of.

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SATISH
KILAJE

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(SHIVKUMAR DIGE, J.)