



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.1061 OF 2010

Sheshrao alias Sheshu s/o Daulatrao
Pendor, Aged about 23 years,
Occupation-Coolie.
R/o. Saikheda Dharan, Tq. Kelapur,
District-Yavatmal.

.. Appellant

.. Versus ..

1. Vasant Gulabrao Mankar,
Aged about 52 years,
Occupation-Agricuturist,
R/o. Saikheda Dharan,
Tq. Kelapur, Distt. Yavatmal.
 2. Bandu s/o Manku Dhurve,
Aged about 26 years,
Occupation-Driver,
R/o. Saikheda Dharam,
Tq. Kelapur, Distt. Yavatmal.
 3. The United Insurance Co. Ltd.
Through its Branch Manager,
The United Assurance Co. Ltd.
Office at Mahajanwadi Chowk,
Yavatmal, Tq. & Distt. Yavatmal.
- .. Respondents

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None appeared for the appellant and the respondents.
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CORAM : PRAVIN S. PATIL, J.
DATED : 19.11.2025.

ORAL JUDGMENT :

1. In the present matter, Advocate M.M. Deshmukh has put his appearance. However, he is not attending the present matter. On last date, this court has recorded that the present appeal be listed in the category of part-heard matter. But today again, no one appeared in the matter.

2. Considering the fact that this appeal has been filed by the claimant for enhancement of compensation of amount, I think it necessary to decide the same on its own merit.

3. In the present appeal, the challenge is to the judgment and order passed by the learned Motor Accident Claims Tribunal, Pandharkawada dated 15.12.2009 in MACP No.525/2005.

4. The claimant, who was the victim of the accident, was working as a Coolie and according to him, his monthly income was Rs.1,800/- per month. He further stated that in the accident he caused permanent disability up to 50% and due to this he lost his earning capacity. He further claimed towards the medical treatment and medicines.

5. In view of this, the learned Tribunal has considered the entire evidence available on record. The learned Tribunal has specifically recorded the findings while deciding the issue no.2 which was framed as to whether appellant is entitled to receive compensation and recorded the findings that the appellant has caused fracture to his left leg and was operated in the hospital of Dr. Kothari as an indoor patient for 20 days. According to the Tribunal, nothing was placed on record to state that he was caused permanent disability. Neither the certificate was produced nor any person was examined in support of his case. It is further recorded that only document which was made available by the appellant before the Tribunal was of his hospitalization to Dr. Kothari for 20 days. Hence, considering this fact, the learned Tribunal found that Rs.25,000/- in aggregate on all counts i.e. pain and suffering, medical expenses, travelling, loss of income and lose of enjoyment is sufficient in the matter.

6. In the light of this finding, I have perused the grounds raised in the appeal memo. However, no substantial ground is raised to state that the findings recorded by the learned Tribunal are perverse in the nature. Furthermore, except the evidence

which was produced before the Tribunal, no other evidence is available on record.

7. In the light of this factual position, I am of the opinion that the learned Tribunal has rightly considered the matter on its own merit and appreciated the evidence available on record. Hence, I find no merit in the appeal and accordingly same stands **dismissed**.

(PRAVIN S. PATIL, J.)