IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 139 OF 2002

Sajida Usman Gani Bagwan Age 26 years, Occ. Nil, Residing at 506, Sadar Bazar, Camp Satara.	]]]	……Appellant (Org. Applicant)
Versus		
1. Sayyadkhan Patankhan Age Major, Occ. Driver, R/o. Dastgir Galli, Ahmedpur, Dist. Latur.	]]]	
2. Gundappa Sidramappa Mutunge Age Major, Occ. Business, R/o. Ghandhinagar, Udgir, Dist. Latur.	]]]	
3. The New India Assurance Co. Ltd., Branch Manager, New India Assurance Co. Ltd., Office Bidar, Karnataka State.	]]]]	
4. Smt. Rupali Ranjit Gujar Age 41 years, Occ. Household work, R/o. Saidapur, Taluka/Dist. Satara.	]]]	
5. The Oriental Insurance Co. Ltd., Satara	]	……Respondents

- *Adv. Gargi Warunjikar (Through V.C.) a/w. Adv. N.G. Kamble i/b. Dr. Uday Warunjikar for Appellant.*
- *Adv. Milind Deshpande for Respondent Nos.1 & 2.*
- *Adv. Sandeep S. Jinsiwale for Respondent No.3.*
- *Adv. Ashirwad Kolekar i/b. Adv. Prasanna Kolekar for Respondent No.5.*

Coram : ASHWIN D. BHOBE, J.

Date : 1st October 2026.

ORAL JUDGMENT :

1. Heard, Ms. Gargi Warunjikar and Adv. N.G. Kamble, learned Advocates for the Appellant, Mr. Milind Deshpande, learned Advocate for the Respondent Nos. 1 and 2, Mr. Sandeep Jinsiwala, learned Advocate for the Respondent No. 3 – Insurance Company and Mr. Ashirwad Kolekar, learned Advocate for the Respondent No. 5 – Insurance Company.

2. By this Appeal, the Appellant assails the Judgment and Award dated 27.07.2001 passed by the Motor Accident Claims Tribunal, Solapur ("Tribunal"), in Motor Accident Claim Petition No. 338 of 1993, on the ground that the compensation awarded is inadequate.

3. Facts as revealed in the claim petition are that on 25.11.1991, Appellant was proceeding towards Kurduwadi from Barshi in a vehicle "Matador" bearing No. MXX-9313, along with other players of the basketball team representing Ajinkya Gymkhana, Satara and their Coach (Ranjit Gujar). While they were returning from Barshi after participating in a basketball tournament, towards Kurduwadi, a truck bearing No. MWP-460 was approaching from the opposite direction at high speed and was being driven rashly and negligently. The driver of the Matador had taken due

precautions and was driving the vehicle on the extreme left side of the road. However, despite this, the truck gave a dash to the Matador, resulting in an accident in which the Appellant and the other players sustained serious injuries, whereas the Coach succumbed to his injuries.

4. Respondent No. 1 is the driver, Respondent No. 2 is the owner of the truck and Respondent No. 3 is the insurer of the truck bearing No. MWP-460.

5. On 19.08.1992, the Appellant filed M.A.C.P. No. 338 of 1993 before the Tribunal.

6. By Judgment and Award dated 21st July 2001, the Tribunal awarded the Appellant total compensation of Rs. 75,000/- with interest @10% p.a. from the date of registration of the claim petition till realisation ("impugned Award").

7. On appreciation of the evidence, the Tribunal found the driver of the truck bearing No. MWP-460 solely responsible for the accident. Admittedly, the Appellant was a passenger travelling in the Matador, therefore, there was no question of negligence on her part. None of the Respondents has challenged the Tribunal's findings on rashness and negligence by filing a cross-objection.

8. The controversy in the present Appeal centres on the amount of compensation to which the Appellant would be entitled.

9. It is not in dispute that the Appellant, aged 16 years on the date of the accident (25.11.1991), suffered 30% disability and that this disability has arisen out of the injuries sustained in the accident, which is the subject matter of the claim petition. The multiplier applicable to the Appellant, being 18, is a fact not in dispute in the present Appeal.

10. Thus, the question in this Appeal is essentially confined to the calculation of compensation.

11. Considering the facts recorded by the Tribunal in the impugned Award, viz. that the Appellant was the captain of Ajinkya Gymkhana from Satara and had participated in the Maharashtra Inter-District Championship as a player, by consent of Ms. Gargi Warunjikar, learned Advocate for the Appellant, Mr. Milind Deshpande, learned Advocate for the Respondent Nos. 1 and 2 and Mr. Sandeep Jinsiwala, learned Advocate for the Respondent No. 3 – Insurance Company, the compensation payable to the Appellant is held to be Rs. 3,24,000/-.

12. In view of the above, I pass the following order.

i. The Appeal is partly allowed.

ii. The Appellant-Claimant is entitled to an enhanced amount of Rs. 3,24,000/- (inclusive of no-fault liability amount) @ 10% interest per annum from the date of filing the claim petition till realisation of the amount.

iii. In addition to the amounts referred to in paragraph (ii) above, the Appellant is entitled to Rs. 27,000/- towards medical expenses.

iv. The Respondent No. 3-The New India Assurance Co. Ltd., shall deposit the compensation amount, after deducting amounts, if any, paid to the Appellant, along with accrued interest thereon, within ten (10) weeks from today in the Registry of this Court.

v. The Appellant-Claimant is permitted to withdraw the amount upon deposit.

vi. Award be drawn accordingly.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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