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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 63 OF 2026
WITH
INTERIM APPLICATION NO.14677 OF 2023

The New India Assurance Co.
Ltd., Mumbai

...Appellant/
Applicant

Versus

Omprakash Krishnaprashad
@ Omprakash Gupta & Anr.

...Respondents

Mr. Shrikant Madhukar Dange, for the Appellant/Applicant.
Mr. Sureshkumar S. Tripathi, for the Respondent No.1.

CORAM: R. M. JOSHI, J.
DATED: 23rd JANUARY, 2026.

PC:-

1. By consent of both sides, heard finally at the stage of admission.
2. This Appeal under Section 173 of the Motor Vehicles Act, 1988, takes exception to the Judgment and Award dated 19th April 2022 passed in M.A.C.P. No.1026 of 2012 whereby the Opposite Party and the Insurer are directed to pay Rs.14,06,898/- with interest @ 7.5% p.a. from the date of claim till realization of the amount.
3. Record indicates that an accident occurred on 17th May 2015 at around 10.30 a.m. when the Claimant was walking

opposite Building Nos. 228, Antop Hill, Mumbai. While doing his work of collecting scrap, motor car bearing registration no. MH-03-AZ-4248 came in high speed and dashed the Claimant. As a result of the impact, he fell down and sustained serious injuries on his left leg, abdomen and other injuries. He was taken to the LTMG Hospital for medical treatment wherein he was admitted from 17th May 2015 to 21st June 2021. He underwent surgery and was also required hospitalization thereafter for about 4-5 times. Owner failed to appear before the Tribunal and claim proceeded ex-parte against the Owner. Insurer contested the claim.

4. Learned counsel for the Appellant submits that the Tribunal has committed error in accepting disability of the Claimant and granted excessive compensation for loss of income. It is his further submission that once the compensation was granted for loss of amenities and marriage prospects, it was not justified for the Tribunal to grant compensation of Rs.3 Lakhs for pain and sufferings. He also takes exception to the amount of compensation awarded on different other heads.

5. Learned counsel for the Respondent-Claimant supported the impugned Judgment and Award.

6. There is no dispute made by the parties with regard to the occurrence of the accident on 17th May 2015, involving motor vehicle and sustainment of the injuries to the Claimant. In so far as the disability is concerned, the Claimant examined Dr. Ajit Somaji Sawant, Neurologist of Sion Hospital (Exh.40), Dr. Abhijit Kale, Orthopedic Surgeon of Sion Hospital (Exh.43) and Dr. Naresh Khanna, Orthopedic Surgeon (Exh.72). Perusal of the evidence of

these witnesses indicate that this is a case wherein on account of the accidental injuries, permanent disability has been caused to the Claimant by shortening of his leg so also that he becomes impotent.

7. Having regard to the nature of evidence led by the Claimant, it can be said that the Claimant was successful in proving the disability and the functional/occupational disability and has rightly been compensated for loss of income by the Tribunal.

8. In so far as the amount of compensation granted under the heads of 'Pain and suffering' and 'Loss of amenities and marriage prospects', though it is sought to be argued that the compensation is excessive in nature, having regard to the nature of injuries and disability caused to the Claimant and more particularly, in view of the fact that he has become impotent, this Court finds no reason or justification to cause interference in the impugned Judgment and Award.

9. Hence, First Appeal stands dismissed and disposed of.

10. Since the First Appeal itself has been disposed of, nothing survives in the Interim Application and the same is also disposed of.

11. Statutory deposit, if any, paid by the Appellant be transferred to the Tribunal. The said amount be adjusted towards the compensation.

(R. M. JOSHI, J.)