

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 13269 OF 2025  
IN  
FIRST APPEAL NO. 898 OF 2022**

Reliance General Insurance Co. Ltd. ...Appellant  
Versus  
Bandana @ Bandita Maina Das And Ors. ...Respondents

**Ms. Shalini Shankar**, *for the Appellant.*  
*None for the Respondents.*

---

**CORAM    R. M. JOSHI, J.**  
**DATED:    23<sup>rd</sup> JANUARY 2026**

**PC:-**

- 1.**    The Respondents are duly served with the notice.  
Absent. Hence, proceeded ex-parte against them.
- 2.**    Heard learned counsel for the Appellant.
- 3.**    This appeal takes exception to the Judgment and Award dated 21<sup>st</sup> February 2022 passed in M.A.C.P. No. 2267 of 2015, whereby the death claim filed by the Claimants came to be allowed with a direction to the Opponent to jointly and

severally pay a sum of Rs.26,90,800/- with interest at the rate of 7% per annum from the date of application till realisation of the amount.

**4.** Learned counsel for the Appellant submits that the Tribunal has committed error in not considering the police papers/charge-sheet placed on record, which indicate contributory negligence of the deceased in the occurrence of the accident. Similarly, it is her contention that there is no evidence led by the Claimants with regard to the deceased being in permanent employment and drawing Rs.13,000/- per month.

**5.** Perusal of the record indicates that there is no evidence led by the Insurer to prove any contributory negligence of the deceased in the occurrence of the accident on the basis of the police papers. It cannot be said that the deceased was negligent in any manner and because of which the accident occurred. Insofar as the quantum is concerned, the Claimants led evidence of Ritesh (AW2), who also placed documentary

evidence on record indicating the employment and income of the deceased. In case the deceased was working as a security guard, his income at the rate of Rs.13,000/- as accepted by the Tribunal is fair. The Tribunal has arrived at the quantum of compensation by applying the correct principles of law. Hence, there is no merit in the Appeal.

**6.** Hence, the following order:

**ORDER**

- (i) The Appeal is dismissed.
- (ii) The statutory deposit along with interest, if any, be transferred to the Tribunal.
- (iii) All pending applications, if any, stand disposed of.
- (iv) R & P be sent back to the Tribunal.

**(R. M. JOSHI, J.)**