



THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 352 OF 2014

Jairam S/o. Sakharam Karhale,
Age : 47 years, Occu. : Nil,
R/o. Watkali, Tq. Sengaon,
Dist. Hingoli.

... Appellant.
(Orig. Claimant)

Versus

1. M/s. Saikripa Transport Company,
Through its partner - Ravindra Bhalekar,
Age : Major, Occu. : Business,
C/o. Anilkumar Construction Company,
Opposite Neharu Garden, Tilak Path,
Nasik.

2. The Oriental Insurance Company Ltd.
City Branch Office - I, Plot No.44/1, 4th
Street, MIDC Satpur, Nasik
(Notice to be served on the Branch Manager,
Oriental Insurance Company, Parbhani.

... Respondent.
(Orig. Respondents)

.....

Mr.Ashish Deshmukh h/f. Mr.Majit Shaikh, Advocate for Appellant.
Mr. D. P. Deshpande, Advocate for Respondent No.2 - Insurance
Company.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 FEBRUARY 2026

PRONOUNCED ON : 06 MARCH 2026

JUDGMENT :

1. Original claimants in M.A.C.P. No.237 of 2000 (Old
M.A.C.P. No.150/1999) are dissatisfied by inadequate compensation
in injury claim sought by invoking section 166 of Motor Vehicles Act.

2. In short, appellant instituted above claim petition, on the premise that, on 18.05.1998, while he was working as Supervisor in construction company on Arni - Mahur Road, near village Shendursani, a driver of the truck bearing No.MWN-2295, owned by respondent no.1, was rash and negligent in driving and he gave dash to the claimant and even drove the wheel of the truck over his leg causing him fracture injury. A rod was required to be inserted in the leg, and as he lost income for above period and was required to spend on medical expenses, a claim was set up under various heads.

The above claim was resisted by respondent nos.1 and 2. After appreciating the respective cases, learned Tribunal partly allowed the claim and awarded Rs.55,000/- inclusive of NFL with interest at the rate of 6% per annum.

3. Dissatisfied by the quantum, claimant has come up in appeal, stating that, he has suffered permanent disability to the extent of 30%. That, though an attempt was taken before the Lok Adalat, there was no final award. However, precisely such event has been taken into consideration by learned Tribunal and awarded meager amount of compensation. That, there is incorrect assessment of the claimant's income and injuries. That, no amount is granted for medical expenses, pain and suffering, special diet, attendant and

conveyance charges, loss of amenities as well as future medical expenses.

4. Learned counsel Shri Deshpande for respondent Insurance Company would strongly opposed on the ground that parties have participated in the Lok Adalat and claimant had agreed to accept Rs.45,000/-. Mere formality of approving the award before the learned Tribunal had remained, but claimant did not turn up and therefore award was not finalized. Thus, according to him, quantum awarded by learned Tribunal, is in the above backdrop, just and proper and needs no enhancement.

5. Admittedly, instant appeal is a result of injury claim on account of alleged road traffic accident dated 18.05.1998 i.e. while claimant was allegedly given dash by driver of the truck and he suffered fracture injury. In support of the case, he placed on record documentary evidence i.e. spot panchanama, FIR, statement of one Sakharam and an eye witness. Learned Tribunal has taken the same into account and has also accepted that there was insertion of rod in the leg and thereby held that there is no reason to disbelieve the claimant's averments. However, thereafter while answering issue nos.3 to 6, learned Tribunal seems to have dealt with compromise pursis (Exh.19) and considering the quantum agreed to be taken to

the tune of Rs.45,000/-, granted an amount of Rs.55,000/-. Therefore, prima facie, learned Tribunal has only considered the papers placed before the Lok Adalat, which admittedly were not finalized.

6. Though claimant, in support of loss of income and future medical expenses has not set up any evidence, the learned Tribunal has rightly granted the compensation. However, as pointed out, there is no grant of compensation under the head of pain and suffering, attendant charges, special diet and medical expenses allegedly incurred. True it is that, there is no distinct evidence to that extent, however, the learned Tribunal ought to have granted at least lumpsum amount. Therefore, the same is required to be granted by partly allowing the appeal. Hence, the following order is passed :

ORDER

- (i) The First Appeal is partly allowed.
- (ii) The clause No. [2] of the operative part of the judgment and award dated 29.09.2005 passed by Ex-Officio Member, M.A.C.T. Hingoli in M.A.C.P. No.237 of 2000, is hereby modified to the following effect :-

“[2] The respondent Nos.1 and 2 shall jointly or severally pay compensation of Rs.1,00,000/- (Rs. One Lakh Only) in lumpsum, including an amount of Rs.25,000/- towards NFL granted u/s 140 of the Motor

Vehicle Act to the petitioner/original claimant along with interest at the rate of 6% per annum, from the date of petition till realization of amount, with proportionate costs.”

(iii) The difference of compensation be deposited within a period of six weeks.

(iv) Original claimant is permitted to withdraw the amount, with accrued interest, if any.

(v) Modified award be prepared accordingly.

(vi) Rest of the judgment and award shall remain intact.

(ABHAY S. WAGHWASE, J.)