



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1177 OF 2015

Ganesh Pandurang Botre

....Appellant

Versus

Shankar Sadashiv Mhalaskar & Ors

....Respondents

Mr. D. D. Shinde a/w. Mr. U. B. Nighot & Mr. Yogesh Thorat for the Appellant.

Mr. Sachin Raje for Respondent No. 3.

CORAM : JITENDRA JAIN, J.

DATED : 08th MAY 2026

P. C. :

1. This appeal was admitted on 26th February, 2015.
2. None appears for respondent no.4, though the name of the advocate is issued on the board.
3. On 28th November, 1991, Master Ganesh Botre aged 04 years, met with an accident suffering injuries and, therefore, filed petition for compensation on account of injuries. The accident took place when he was travelling from Chakan to Talegaon. Because of the said accident, one of his leg was amputated. He suffered 90% permanent disability.
4. The Motor Accident Claims Tribunal, Pune (Tribunal) vide its order dated 18th July, 2009 awarded compensation of Rs.1,50,000/- alongwith interest @ 7% per annum.



5. I have heard learned counsel for the appellant and respondent no.3. By the impugned order, respondent no.3 was discharged from the liability.

6. The Tribunal did not have the benefit of decisions of the Hon'ble Supreme Court in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors.*¹, *Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr.*² and *Hansraj vs. Mukesh Nath & Ors*³, since the impugned order was passed in 2009. The minimum wages during the year of accident was Rs.15,000/- per annum. If the above decisions are considered, then the compensation will be as under :-

Particulars		Amount
1.	Annual income	Rs. 15,000/-
2.	40% Future prospects	Rs. 6,000/-
3.	Total yearly income (Rs,15,000/- + Rs.6,000/-)	Rs. 21,000/-
4.	Loss of income after taking multiplier 18 (Rs. 21,000/- x 18 x 90%)	Rs. 3,40,000/-
5.	Pain & Suffering	Rs. 5,00,000/-
6.	Loss of amenities	Rs. 2,00,000/-
7.	Loss of marriage prospects	Rs. 3,00,000/-
8.	Special diet & transportation	Rs. 1,00,000/-
9.	Future medical expenses	Rs. 50,000/-
Total compensation		Rs. 14,90,000/-
Less (awarded by Tribunal)		Rs. 1,50,000/-
Total compensation		Rs. 13,40,000/-

7. The claimant would be entitled to an enhanced compensation of Rs.14,90,000 - Rs.1,50,000/- = Rs. 13,40,000/-. Respondent no.4 is directed to deposit the differential amount and the original amount

1 2017 (16) SCC 680

2 CA No.10278 of 2025, decided on 08th August, 2025.

3 CA No.7055 of 2026, decided on 06th May, 2026.



alongwith interest within 12 weeks from today and the claimants would be entitled to withdraw the same.

8. It is made clear that since respondent no.3 was discharged by the Tribunal, the liability is only on respondent no.4-United India Insurance Company Limited.

9. Appeal is disposed of in above terms.

[JITENDRA JAIN, J.]