



4.fast-7457.13.d...

2026:BHC-AS:22787

PRACHI
PRANESH
NANDIWADEKAR

Digitally signed
by PRACHI
PRANESH
NANDIWADEKAR
Date: 2026.06.08
14:17:17 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.7457 OF 2013
WITH
CIVIL APPLICATION NO.3127 OF 2013

Mr. Vaibhav P. Malhotra

...Appellant/Applicant

Versus

Shri Kelviester J. Carvalho & Ors.

...Respondents

Mr Anuj N. Narula a/w. Ms. Meenal Bhatha i/b Jhangiani Narula And Associates for the appellant/applicant.

Mr. D. R. Mahadik for the Respondents.

CORAM : JITENDRA JAIN, J.

DATED : 8 JUNE 2026

P.C.:

1. This is an appeal filed by the injured person for enhancement of compensation. The tribunal has awarded Rs.30,000/- as compensation for the injury and has discussed the issues from paragraph 9 onwards.

2. The injured person had claimed Rs.3 lakhs. The Tribunal has observed that though disability certificate of 20% was produced, the medical report showed that there were minor fractures, and therefore, the Tribunal accepted that on account of the injury, the injured person could not score higher marks. However, since the father of the injured person was a doctor, the injured had better opportunity for medical help. Keeping all these things in mind, Rs. 30,000/- has been awarded.

3. After hearing the learned counsel for the insurance company and



the claimant, I am of the view that the injured person was a young budding student, whose both parents were doctors and who wanted to pursue the medical profession and due to this injury, he could not score enough marks to secure the admission. Certainly, the disability certificate has gone unchallenged. Though the report showed minor fracture, but in the absence of any adverse findings on the disabilities suffered by the injured, the Tribunal was not justified in awarding Rs.30,000/-.

4. Keeping in mind, various factors which have been discussed from paragraph 9 onwards of the impugned order and more particularly, looking at the age of the injured and the bright prospects, in the interest of justice, Rs.2,50,000/- will meet the ends of justice. The enhanced amount should be paid by the insurance company with interest @ 7% p.a. from the date of filing the original application till the realisation. If any amount has been paid prior to the disposal of this appeal to the injured person, same should be reduced.

5. The appeal of the injured person is allowed in above terms. Consequently, the civil application does not survive and is disposed of.

(JITENDRA JAIN, J.)