



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.10565 OF 2012
WITH
CIVIL APPLICATION NO.1571 OF 2012

Kanheyalal Laxmilal Jain ...Appellant/Applicant
Vs
M/S Sterling and Wilson
Electrical Pvt Ltd And Anr.Respondents

Ms. Ketki Gokhale i/b A. M. Gokhale for the Appellant/Applicant.
None for the Respondents.

CORAM : JITENDRA JAIN, J.
DATED : 17th APRIL 2026

P. C. :

CIVIL APPLICATION NO.1571 OF 2012

1. Delay in filing the appeal for the reasons stated in the application is condoned.
2. Civil Application is disposed of.

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3. This appeal is filed for enhancement of the compensation granted by the Motor Accident Claims Tribunal, Mumbai (MACT). Though respondent No.2-Insurance Company has been served, there is no appearance today.
4. The Tribunal has awarded Rs.1,01,170/- as per paragraph 18 of the order under various heads alongwith interest @ 7.5 % p.a.
5. I have heard Ms. Gokhale, learned counsel for the appellant.



6. The first contention of learned counsel for the appellant is that when the impugned order was passed, the decision of *National Insurance Company Limited vs. Pranay Sethi & Ors.*,¹ was not available. Therefore, no future prospects and parameters laid down by the decision of the Hon'ble Supreme Court has been considered. The Tribunal has awarded Rs.27,000/- towards loss of income. In my view, admittedly the decision of *Pranay Sethi (supra)* was not available when the Tribunal adjudicated the issue. If the decision of *Pranay Sethi (supra)* with respect to future prospects and multiplier is applied by taking estimated notional income of Rs.3,000/- p.m. then the loss of income would be Rs.3,20,000/- rounded off though actual is Rs.3,21,750/- (3000 x 1.25 =3,750/- x 13 =48,750 x 12=5,85,000 x 55%)

7. Merely, because the Doctor did not appear before the Tribunal, the Tribunal was not justified in rejecting the disability certificate. The disability certificate was issued by the Medical Board of the Government hospital and such a certificate should have been considered by the Tribunal or atleast the Tribunal should have issued summons to the Doctor to appear before them. In my view, therefore the rejection of the disability certificate by the Tribunal is not justified.

8. The Tribunal has awarded Rs.15,170/- towards medical treatment. In my view after considering the findings of the Tribunal in paragraph 10, though some of the receipts were not filed by the claimant, in the interest of justice, the medical treatment expenses should be estimated at Rs.30,000/-. Similarly, the conveyance and

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special diet expense estimated by the Tribunal at Rs.3,000/- and Rs.1,000/- respectively is on the lower side and therefore, the conveyance should be estimated at Rs.5,000/- and special diet at Rs.2,000/-. Loss of income for 9 months during which the claimant could not attend his job has been estimated by the Tribunal at Rs.27,000/- and same is not disturbed. Pain and sufferings has been estimated at Rs.30,000/- and same is found to be reasonable. The Tribunal has estimated disability at Rs.25,000/- which as stated above would be Rs.3,20,000/-

9. The Tribunal in paragraph 17 has awarded Rs.10,000/- towards loss of amenities but has failed to consider while arriving at aggregate figure of Rs.1,01,170/-. Therefore, Rs.10,000/- should also be added.

10. The total figure of compensation as per the above order works out to Rs.4,24,000/- and the enhanced compensation (Rs.4,24,000-Rs.1,01,170) is Rs.3,22,830/-. Same is rounded to Rs.3,22,800/-. The claimant is entitled to enhanced amount of Rs.3,22,800/- in addition to the original amount awarded by the Tribunal @ 7.5 % interest p.a. from the date of the application till realization. The claimant to withdraw the same if the amount is deposited with the Tribunal and if not deposited the Insurance Company to deposit the same within 8 weeks and the claimant to withdraw the same.

11. Appeal is allowed. Interim/Civil Applications, if any do not survive.

[JITENDRA JAIN, J.]