



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2036 OF 2011

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Anna Kedu Jadhav

....Appellant
(Org. Claimant)

V/s.

Jankiram Pandit Koli & Ors.

....Respondents
(Org. Opponents)

Ms. Shraddha Pawar i/by Mr. Dilip Bodake for the appellant.

Ms. Apoorva Thakre i/by Mr. Vikrant Parshurami for respondent no.3.

CORAM : JITENDRA JAIN, J.

DATED : 5 May 2026

P.C. :

1. This appeal is filed by the original claimant seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Nashik ('Tribunal') on account of injury sustained by the claimant. The Tribunal in paragraph 23 has awarded Rs. 68,097/- as under : -

1)	Loss of future earning	Rs.25,000/-
2)	Medical Expenses	Rs.33,097/-
3)	Pain and suffering	Rs. 5,000/-
4)	Travelling, attendance & diets	Rs. 5,000/-

2. I have heard Ms. Pawar, learned counsel for the appellant-original claimant and Ms. Thakre, learned counsel for insurance company.

3. The insurance company has raised an objection that in the original application, only Rs.1 lakh was claimed and therefore, no further amount



over and above of Rs.1 lakh should be granted to the claimant. In my view, this contention cannot be accepted. Even if in an appeal is filed by the insurance company to this Court and the original claimant had not filed an appeal or challenge the order of the Tribunal, still consistent view is that the claimant would be entitled for enhancement even in the absence of any appeal or cross objection. The facts of the present case are much stronger since the original claimant has challenged the order.

4. The impugned order was passed in the year 2010 when the decision of the Hon'ble Supreme Court in the case of *National Insurance Company Ltd. Vs Pranay Sethi*¹ was not available. The claimant has stated that he is doing agricultural work, though he has not led any evidence of his income from agricultural operations. In such cases, even if the minimum wages of Rs.3,000/- is considered, the same would meet the ends of justice. The applicant is 39 years old and therefore, as per the decision in the case of *Pranay Sethi (supra)*, he would be entitled to multiplier of 16. The future prospects can be considered at 40%. If the above factors are considered by applying the decision of *Pranay Sethi (supra)*, then the revised compensation would be as under :-

Particulars	Amount
Monthly Income	Rs. 3,000/-
Add: 40% future prospects	Rs. 1,200/-
Total	Rs. 4,200/-
Multiplier Applicable 16 (age of injured 39) (disability 30%) (Rs.4,200 X 12 X 16 X 60%)	Rs. 2,41,920/-
Pain and Suffering	Rs. 25,000/-
Travelling	Rs. 25,000/-
Medical expenses	Rs. 33,097/-

1 2017 (16) SCC 680



Future medical expenses	Rs. 15,000/-
Amenities of life	Rs. 15,000/-
Total Compensation	Rs. 3,55,017/-
(Less) Tribunal granted compensation	Rs. 68,097/-
Total Compensation Payable	Rs. 2,86,920/-

5. The original claimant would be entitled to enhanced amount of Rs. 2,86,920/- (Rs.3,55,017/- minus Rs.68,097/-) alongwith interest @ 7.5% p.a. from the date of filing of the petition till its realisation.

6. The insurance company is directed to deposit the original amount and the enhanced amount alongwith interest with the Tribunal within 12 weeks from today and the claimant would be entitled to withdraw the same.

7. The appeal is disposed of in above terms.

(JITENDRA JAIN, J.)