



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.137 OF 2014
WITH
CROSS OBJECTION (ST) NO.32666 OF 2024

The New India Assurance Co. Ltd. ...Appellant
Versus
Suresh Bapurao Burkule & Ors. ...Respondents

Ms. Urmila K. Sanil for the Appellant.
Mr. Yogesh Pande a/w Mr. Himanshu Jha for the Respondents.

CORAM : JITENDRA JAIN, J.
DATE : 5 MAY 2026

P.C.:

1. This matter was heard for some time. Mr. Pande, learned counsel for the respondents-original claimants submits that even if the claimant has got promotion after the accident, but if there is a disability then the enhanced compensation cannot be denied on the ground that in financial terms, there has been no loss to the claimant. According to Mr. Pande claimant is entitled to the structured formula as per ***National Insurance Company vs. Pranay Sethi & Ors.***¹.

2. Ms. Sanil, learned counsel for the appellant-insurance company vehemently disputes the above submission of Mr. Pande. It is her submission that if there is an increase in the earning after the incident then the question of any compensation for loss of income on account of disability does not arise. She further objects to the disability certificate being issued by a non-treating doctor.

3. Mr. Pande has relied upon the decisions of the Hon'ble Supreme Court in the case of ***Mohd. Sabeer vs. Regional Manager U. P.***

¹ (2017) 16 SCC 680

*State Road, Trans. Corpon*² and *Kirti & Ors. vs. Oriental Insurance Co. Ltd.*³

4. Ms. Sanil seeks time to study these decisions and to respond to the same. She is further requested by the Court to show authorities to indicate that the onus is on the claimant to prove that had the disability not been there he would have earned more than what is earned after promotion. Ms. Sanil further states that when disability certificate was obtained by a non-treating doctor, the claimant was still being treated by another doctor by Life Care Hospital.

5. It is made clear that on 23 June 2026, the Court will endeavour to hear this matter finally and the parties are requested not to seek any adjournment.

6. To enable Ms. Sanil to respond the above, list this matter on 23 June 2026.

[JITENDRA JAIN, J.]

2 2023 ACJ 1

3 2021 ACJ 1