

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO. 569 OF 2016

(Nitin Maroti Meghavat (dead) through LRs .v. Datta Namdeo Thakare and others)

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.
12TH JULY, 2016.

Heard Shri K.S. Narwade, the learned Counsel appearing on behalf of the appellants. He submits that the learned Member, Motor Accident Claims Tribunal, Pusad, District Yavatmal on erroneous appreciation of the material, awarded a meager amount of compensation to the appellant who was the original claimant.

Shri Narwade, the learned Counsel, by inviting my attention to the judgment and order impugned in the present appeal, submits that the applicant was studying in MBBS (1st year) and he was 28 years of age at the time of accident. Shri Narwade, the learned Counsel further submits that the material was placed on record towards treatment and the claimant had to incur Rs.24,270/-. The victim sustained severe injuries causing 60 per cent permanent disability. He further submits that the Claims Tribunal by adopting hyper technical approach, observed that Dr. Vijay Rathod submitted in his evidence that victim Nitin had sustained permanent disability to the extent of 60 per cent due to the injuries. The said disability shown in the P.D.C. was the disability of particular organs or functional disability of total body is not proved and awarded compensation of Rs.35,000/- inclusive of Rs.25,000/- towards loss of estate and Rs.10,000/- towards diet allowance.

Shri Narwade, the learned Counsel for the appellant also submits that the Tribunal utterly failed in not awarding any compensation towards suffering a trauma undergone by the victim due to the accident.

There is considerable merit in the submission of the learned Counsel for the appellant.

Admit.

Call for R and P.

JUDGE

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