



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 428 OF 2021

Parvatibai W/o. Rangnath Sanap (Died)
Through Legal Heirs,
Uttam S/o. Rangnathrao Sanap,
Age : 54 years, Occu. : Labour,
R/o. Shewadi, Tq. Jintur,
Dist. Parbhani.

... Appellant
(Orig. Claimant)

Versus

Maharashtra State Road Transport Corporation,
Through its Divisional Controller,
Gangakhed Road, Parbhani.

... Respondent

.....
Mr. S. R. Bagal h/f. Mr. B. N. Gadegaonkar, Advocate for Appellant.
Mr. A. D. Wange, Advocate for Respondent – MSRTC.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 SEPTEMBER 2025

PRONOUNCED ON : 10 OCTOBER 2025

JUDGMENT :

1. Appellant, original claimant of M.A.C.P. No.55 of 2018, is dissatisfied by grant of compensation awarded by learned Member, Motor Accident Claims Tribunal, Parbhani by its judgment and award dated 17.07.2020 i.e. only to the tune of Rs.1,86,000/- with 7.5% rate of interest per annum, when their claim was to the tune of Rs.8,00,000/-

2. Learned counsel submitted that, claimant a lady, doing labour work, was proceeding towards bus-stand Jintoor on 31.03.2017. She was given dash by speedy S.T. Bus bearing No. MH-20-D-0503 causing multiple injuries and fractures. She was hospitalized from 03.04.2017 to 07.04.2017. That, she had incurred huge medical expenses and had suffered 30% disability. That, in support of the same, disability certificate is placed on record and even medical expert, who assessed disability, was examined in the court, but the same has not been correctly considered and appreciated. He further submitted that, even notional income considered by learned tribunal is merely Rs.4,000/- per month when it ought to have been Rs.6,000/- per month at least. That, learned counsel further emphasized that considering the age of victim, 10% increase towards future prospects also ought to have been covered. Learned tribunal failed to award distinct amount under the head of conveyance and attendance even when injured was hospitalized. That, no amount towards pain and suffering is also awarded. For such reasons, instant appeal has been taken exception to.

3. Learned counsel for respondent would support the tribunal's order by submitting that, amount under notional income is correctly awarded. That, certificate of disability has been kept out of consideration, it being issued by non treating doctor. Learned counsel took this court

through the observations of tribunal and justifies the same and urges to dismiss the appeal.

4. Perused the evidence. Appellant filed her affidavit at Exh.17 and also examined doctor PW2 at Exh.24. She also placed on record medical papers at Exh.19, disability certificate Exh.25. On the other hand respondent MSRTC filed evidence of Driver at Exh.27.

5. After appreciating above oral and documentary evidence, learned tribunal has considered notional income of Rs.4,000/-. Reasoning spelt out in paragraph 16 shows that, there was no evidence on behalf of claimant regarding she earning Rs.6,000/- per month. Primarily it seems that, for want of documentary evidence, it is observed that the claimant failed to substantiate her income. There is no dispute that claimant was a labour. With such occupation, there is no reason to disbelieve monthly earning nowadays. Therefore, there should be no hurdle for up-scaling the notional income from Rs.4,000/- to Rs.6,000/- as it is common knowledge that even labours earn at least Rs.300/- per day. Going by such standards, here, notional income is considered as Rs.6,000/-.

6. Dissatisfaction is also expressed for non consideration of pain

and suffering, conveyance and attendance and non consideration of 10% towards future prospects in view of age of the claimant.

7. Claimant has placed on record discharge summary of Seth Nandlal Dhoot Hospital showing date of admission as 03.04.2017 to 07.04.2017 and she has undergone surgery on 05.04.2017. Said medical papers show fracture of femur with fracture left Hoff, fracture proximal tibia left and CLW. Papers show implanting plates and screw. Therefore, there is material to show hospitalization.

8. On the aspect of entitlement for medical expenses, learned tribunal has made observations in paragraph 17 of the judgment and medical expenditure is computed and calculated to the tune of Rs.1,50,313/- i.e. on the basis of bills produced. It is specifically held that petitioner is entitled to get additional amount of Rs.7,000/- towards pain and suffering, diet and lodging expenses. Therefore, submissions made before this court regarding non consideration and grant of amount under pain and suffering has no substance. Discharge summary shows that there was hospitalization of which there is no dispute, definitely it shows that injured had incurred expenses for attendance and conveyance. Therefore amount of Rs.3,000/- towards the same is also required to be granted. Here, notional income is considered by assuming claimant to be

a labour, i.e. for want of evidence, and therefore, there is no need for consideration of future prospects.

9. To sum up, appellant succeeds in making out a case for consideration of Rs.6,000/- by way of notional income and not Rs.4,000/- as held by learned tribunal. As regards to rest of the judgment is concerned, this court finds no infirmity or perversity so as to interfere.

10. In view of the above, the appellant is entitled for compensation as under :-

Notional Income of the appellant (per month)	Rs.6,000/-
Yearly income (6000 x 12 = 72000)	Rs.72,000/-
After Applying Multiplier of 11 as held by the tribunal (72,000 x 11 = 792000)	Rs.7,92,000/-
Loss of future income (due to 10% disability)	Rs.79,200/-
After adding Medical Expenses (Rs.1,50,313/- + 79,200/-)	Rs.2,29,513/-
After Addition of amount towards pain, suffering, diet and lodging expenses as held by tribunal and Rs.3,000/- for conveyance and attendance (Rs.7000 + 3000 + 2,29,513 = 2,39,513 rounded off to Rs.2,40,000/-)	Rs.2,40,000/-
After deducting the NFL amount of Rs.25,000/-, if already paid to the appellant. (2,40,000 – 25,000/- = 2,15,000/-)	Rs.2,15,000/-

11. In view of the above, following order is passed :

ORDER

(i) The First Appeal is partly allowed.

(ii) Clause 2 of the operative part of the impugned judgment and award dated 17.07.2020 passed by the Member, M.A.C.T., Parbhani in M.A.C.P. No.55 of 2018 is hereby modified to the following effect :

“2. The Petitioner is entitled to get compensation of Rs.2,15,000/- (Rs. Two Lakh Fifteen Thousand only) as compensation (after deducting the NFL amount of Rs.25,000/-, if paid).”

(iii) Rest of the impugned judgment and order is hereby maintained.

(iv) Modified Award be drawn accordingly.

(v) The First Appeal is disposed off in above terms.

(ABHAY S. WAGHWASE, J.)