

MHAU010062892025



Presented on : 25-07-2025

Registered on : 28-08-2025

Decided on : 20-04-2026

Duration : 0 years, 08 months, 25 days

**BEFORE MEMBER, MOTOR ACCIDENT CLAIM TRIBUNAL,
AURANGABAD**

Dist.:- CHHATRAPATI SAMBHAJINAGAR

Presided Over by Nikhil P. Mehta

M.A.C.P./509/2025

Exhibit No.: 31

01. Geetabai W/o Nivrutti Mokase,
Age : 41 years, Occu : Household & Agril.
R/o.:- Pishor, Tq.:- Kannad,
Dist.:- Chhatrapati Sambhaji Nagar,
02. Vishal S/o Nivrutti Mokase,
Age : 25 years, Occu : Education,
R/o.:- As above,
03. Dipali W/o Sachin Dahake,
Age : 23 years, Occu : Household,
R/o.:- As above,
04. Radhika W/o Rameshwar Bhagwat,
Age : 21 years, Occu : Household,
R/o.:- As above,
05. Sandeep S/o Nivrutti Mokase,
Age : 17 years, Occu : Education,
U/g Claimant No.1,
R/o.:- As above,

CLAIMANTS

VERSUS

01. Tushar S/o Yogiraj Baviskar,
Age : 35 years, Occu : Driver,
R/o.:- Kurwel, Tq.:- Chopda, Dist.:-Jalgaon
02. Depo Manager,
Maharashtra State Road Transport Corporation
Dapodi, Pune Division,

RESPONDENTS

CLAIM :- Petition under section 166 of the Motor Vehicles Act, 1988 for grant of compensation of Rs.50,00,000/-.

Advocate for Claimants : Shri. Devidas Haral.
Advocate for Respondent No.2 : Shri.A.S.Radikar

J U D G M E N T
(Passed on 20th April 2026)

Claimants No.1 to 5 are the legal heirs of deceased Nivruti Sandu Mokase who died in motor vehicular accident on 18.06.2025, at around 03.00 p.m.

Brief facts of the case are as follows :-

02. It is the case of claimants that on 17.06.2025, deceased Nivruti Mokase and other pilgrims were proceeding towards Alandi along-with water tanker. Deceased Nivruti Mokase was allotted work to supply drinking water to the pilgrims. At about 10.00 p.m. when they reached at Ahilyanagar, their water tanker got puncture. Therefore deceased, Dnyaneshwar Shinde and some other pilgrims stayed along-with water tanker.

03. On 18.06.2025, at about 03.00 p.m. one Dnyaneshwar Shinde made phone call to Raju Mokase informing therein that one S.T.Bus bearing No.MH-14-LX-6437 (hereinafter referred to as offending vehicle) proceeding towards Pune, gave severe dash to Nivruti Mokase when he was standing by the side margin of road. Due to it, deceased Nivruti Mokase sustained grievous injuries to his head, hands, legs, chest, stomach and face. He was shifted to Rural Hospital, Shikrapur, Tq.:- Shirur, Dist.:- Pune but during the course of treatment deceased Nitruti Mokase succumbed to his injuries.

04. Accordingly, FIR came to be registered with Shikrapur Police Station against respondent No.1 by brother of deceased namely Raju Sandu Mokase. Whereupon Crime No.407/2025 under section 106, 125(A), 125(B), 281 of the Indian Penal Code and under section 184 of the Motor Vehicles Act came to be registered against the respondent No.1. During the course of investigation police effected inquest panchanama and spot panchanama. Doctor conducted postmortem on the dead body of deceased and after completion of investigation charge-sheet was filed against respondent No.1 with concern court.

05. It is submitted by claimants that due to negligent driving of respondent No.1 said accident occurred. Due to untimely death of deceased Nivruti Mokase, they have suffered financial and emotional loss. They submitted that at the time of accident deceased was 46 years old and was earning salary of Rs.11,000/- per month. He was the only earning member of their family. Claimants were fully dependent on deceased. After death of deceased Nivruti Mokase, source of income of claimants has been reduced substantially. As such, claimants claimed compensation of Rs.50,00,000/-. In support of their case, claimants have filed on record all the relevant documents.

06. Respondent No.2 i.e. Maharashtra State Road Transport Corporation (for short 'MSRTC') filed its written statement and contested the claim of claimants. It is their contention that at the time of accident deceased was in drunken state and was proceeding from middle of the road. The driver of bus is trained driver. At the time of accident bus was being driven at a moderate speed. Driver of

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the bus made every effort to avoid accident by applying breaks, but as deceased was not in his sense, his movements were uncontrolled, resultantly he suddenly came in front of running bus. According to it, claimants have filed false salary certificate of deceased and same would not be relied upon while quantifying loss of income. Further it is submitted that Adhar Card of deceased is not document to ascertain age of deceased. On these grounds they prayed for rejection of claim.

07. Considering the rival pleadings of the parties, following issues has been framed. I am reproducing the same along-with my reasons thereon which are as follows.

ISSUES

FINDINGS

- | | |
|---|--|
| 1. Whether claimants prove that on 18.06.2025, deceased Nivruti Sandu Mokase died in vehicular accident involving S.T.Bus bearing No.MH-14-XL-6437? | In the affirmative. |
| 2. Whether claimants proved that accident occurred due to rash and negligent driving of S.T.Bus bearing No.MH-14-LX-6437 driven by respondent No.1 and owned by respondent No.2 ? | In the affirmative |
| 3. Whether claimants are entitled for the compensation? If yes, against whom and what would be the quantum of the compensation and rate of the interest? | In the affirmative.
As per final order. |
| 4. What order and award? | As per final order |

REASONS

As to issues No.1 to 4 :-

08. The accident occurred on 17.06.2025. Report of accident was lodged on 18.06.2025. During the course of

investigation police found offending S.T.Bus on the spot. Deceased was found lying on the margin of Ahilyanagar-Pune road. There is nothing on record to show that at the time of accident deceased had consumed liquor and was under influence of liquor.

09. Postmortem of deceased indicate that cause of death is head injury. The said circumstances indicates that offending bus gave dash to deceased Nivruti Mokase, at the time, when he was distributing water from water tanker. During inspection of spot, wind shield glass of bus were found in broken condition. It is the case of respondent that deceased was not in his senses and was walking from the middle of road. There is nothing on record to show that at the time of accident, deceased was found on the middle of the road. There is material to indicate that deceased was found lying on the margins of Ahilyanagar-Pune Highway. The said circumstance indicate that while walking by the side of road, S.T.Bus gave dash to the deceased which caused him head injuries and due to it he died. The FIR, spot panchanama, postmortem report indicate that death of deceased is caused in motor accident, wherein S.T.Bus driven by respondent No.1, gave dash to him. S.T.Bus was being driven in rash and negligent manner which led to registration of crime against him with the concern police station. The said circumstance, indicate negligent driving of bus by respondent No.1.

09. It is matter of record that accident occurred in the year 2025, therefore notional income of Nivrutti Mokase is taken as Rs.11,000/- per month. Thus, taking into consideration said notional income of deceased, his yearly income comes to Rs.11,000/- X 12 = Rs.1,32,000/-. Considering dependency of deceased Nivrutti

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Mokase, 1/3rd of the annual income of deceased is required to be deducted towards his personal expenditure. After deducting 1/3 from the annual income, it comes to Rs.88,000/-. Considering the age of deceased, the claimants are entitled for 25% towards future prospects. It comes to Rs.88,000 X 25% = 22,000/-. Thus, total yearly income of deceased Nivrutti Mokase comes to Rs.88,000/- + Rs.22,000/- = Rs.1,10,000/-. Taking multiplier of 13, the loss of income is quantified at Rs.14,30,000/- (Rs.1,10,000/- X 13). The claimants are also entitled for non pecuniary damages under the head i.e. loss of consortium for Rs.1,45,200/- (Rs.48,400/- X 3), transport 10,000/- and funeral expenses Rs.20,000/-. The total compensation under all the head of loss and damages comes to Rs.16,05,200/-.

10. As such, following would be calculations for the assessment of the compensation amount towards loss of dependency.

<u>No</u>	<u>Particulars</u>		<u>Amount</u>
A	Total income per year	11,000 X 12	1,32,000/-
B	1/3 deductions towards personal and living expenses	1,32,000 ÷ 3 = 44,000/-	88,000/-
C	Add 25% towards future prospects	88,000 X 25%	22,000/-
	Total (B + C)		1,10,000/-
D	Pecuniary loss after applying multiplier of 13 as the deceased was 43 years old.	1,10,000 X 13	14,30,000/-
E	Total compensation payable to claimants		14,30,000/-
F	Add : Consortium (Rs.48,400/- X 3)		1,45,200/-
G	Add : Transport		10,000/-
I	Add : Funeral Expenses		20,000/-
J	Total sum payable to the claimants		16,05,200/-

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11. It is not denied that respondent No.1 drove the offending vehicle, it was owned by respondent No.2 at the time of accident. Accordingly, both the respondents are jointly and severally liable to pay compensation to the claimants. Claimants are also entitled for the interest @ 6% per annum on the compensation amount from the date of filing claim till the date of its realization. Hence, I answer issue No.1 to 3 in affirmative.

12. **As to issue No.4 :-** In view of answers to issues No.1 to 3, I passed final award which is as follows.

ORDER

1. Petition is partly allowed with proportionate costs.
2. Respondents No.1 and 2 do jointly and severally pay compensation of Rs.16,05,200/- (Rs. Sixteen Lacks Five Thousand and Two Hundred Only) together with interest @ of 6% from the date of filing the petition till its full realization to the claimants No.1 to 5 including NFL amount.
3. The compensation quantified as aforesaid be paid to the claimants No.1 to 5 in the proportion of 60%, 10%, 10%, 10% and 10% respectively by transferring the amount in their saving bank account maintained with Nationalized Bank.
4. Being minor, the amount fallen to the share of claimant No.5 be invested in fixed deposits in his name till he attains the age of majority in any nationalized bank as per the choice of his guardian i.e. applicant No.1 and its quarterly interest be credited to the account of applicant No.1 for the maintenance of applicant No.5.
5. The respondents shall bear their own costs.
6. The respondents shall deposit compensation amount by RTGS or NEFT in the following Saving Account and

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on deposit of the amount shall communicate to this Tribunal with a copy to the beneficiary/applicant.

- 1) Saving Account No. : 40777009568
 - 2) Account Name : EX-OFFICIO MEMBER,
MOTOR ACCIDENT CLAIMS
TRIBUNAL,
AURANGABAD
 - 3) IFSC Code : SBIN0021112
 - 4) MICR Code : 431002044
 - 5) Bank Name and Branch : STATE BANK OF INDIA,
MAHAVEER CHOWK,
AURANGABAD
7. Award be drawn accordingly after payment of deficit Court Fees, if any.
(Dictated and pronounced in open Court)

(Nikhil P. Mehta)
Member

Motor Accident Claim Tribunal A.bad,
Dist.:- Chhatrapati Sambhajinagar

Date :- 20.04.2026

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	: Manoj S. Nangre
Court	: District Judge-3 & Member MACP, A.bad.
Date	: 20.04.2026
Judgment signed by the presiding officer on	: 20.04.2026
Judgment uploaded on	: 20.04.2026