

MHHI010008032020 	Presented on	:	15/10/2020
	Registered on	:	15/10/2020
	Decided on	:	29/01/2026
	Duration	:	05 Yrs. 03 Ms. 14 Days

Before Motor Accident Claim Tribunal, Hingoli.

(Presided over by P. G. Deshmukh)

Member, M.A.C.T. Hingoli.

MACP No. 168/2020

(Exh. 35)

- Rangrao S/o Anandrao Kadam,**
Age: 48 years, Occu. :- Agriculture,
R/o :-Borgaon, Tq. Hadgaon
& Dist. Nanded.

.....Petitioner

VERSUS

- Narayan S/o Bhagwat Mate,**
Age : 40 years occu. :-Doctor,
R/o :- Vidya Nagar, Hingoli.
- The United India Insurance Co. Ltd.**
Through its Branch Manager, micro branch,
Gurukrupa house, near madhav hospital,
Hingoli-Washim Road, Hingoli.

.....Respondents

Claim : Petition under section 166 of M.V. Act for
compensation with interest and cost.

Shri. S.R. Shinde, Advocate for petitioner.

Proceeded ex-parte against respondent no.1.

Shri.S.G. Waghmare, Advocate for respondent no.2.

:: JUDGMENT ::

(Delivered on 29th January, 2026)

This petition is filed for granting compensation under
section 166 of the Motor Vehicles Act.

: Brief facts of petition are as under :-

- It is submitted that on fateful day 21/11/2018 at about
05.30. p.m. petitioner and his brother Pradip were going to village

Balapur by the motorcycle bearing no. MH 26/BF-912 for repairing the water pump. Brother of petitioner namely Pradip was driving the motorcycle at moderate speed from the left side of the road. When the motorcycle was reached near by Nevarkar Farm on Akhada Balapur to Nevari Road then Innova car bearing its no. MH 24 V 9727 came at rash and negligent manner from the back side and given dash to the motorcycle. Due to severe dash of the Innova car, petitioner and his brother fallen down on the road and sustained grievous injuries. It is submitted that he has sustained fracture injury to the hand and other multiple injuries all over the body. He had taken treatment at Yashosai and Sanjivani Hospital, Nanded.

03. Sanjivani Hospital, nanded sent MLC information to Shivaji Nagar, Police station, Nanded and on the basis of his statement recorded by the police crime no. 12/2019 was registered at police station, Mantha for offences punishable under section 279, 337 and 338 of Indian Penal Code against Innova car driver. After completion of investigation charge sheet is also filed before Judicial Magistrate, First Class, Hadgaon and case is registered as SCC No. 221/2019.

04. It is submitted by the petitioner that he has incurred huge amount for the medical treatment and despite prolonged treatment he is not completely cured. Due to permanent disability he is unable to do his regular work. Prior to accident his income was more than Rs.9,000/- per month. He has lost his income therefore on pecuniary and non-pecuniary damages he is entitled to claim compensation of more than Rs. 10,00,000/- but he has restricted his claim for compensation of Rs. 5,00,000/-. Both respondents are jointly and severally liable to pay compensation. Court is having jurisdiction to try and entertain petition. He has paid requisite court fees. Hence he has prayed for granting

compensation Rs. 5,00,000/- along with interest of 12 % per annum.

05. By an order dated 10/07/2023 petitioner was permitted to proceed exparte against respondent no.1. The petition is resisted by respondent no. 2 by filing the written statement at Exh.10. It is submitted that petition itself is false and therefore it is no liable to pay any compensation. It is not aware about lodging the complaint against Innova car driver, occurrence of an accident and other facts contended in the petition. There is delay of more than 71 days in lodging the complaint. The motorcycle rider itself was rash and negligent hence no liability can be fastened against Innova car driver. The compensation claim by the petitioner is also exorbitant and excessive. It has further taken statutory and general defences available under the provisions of Motor Vehicles Act. Contents of petition are denied for want of knowledge. Respondent no. 2 has further denied expenditure alleged by the petitioner for the medical treatment, income of the petition and other contents. It is further stated that mandatory duty of respondent no.1 and police officers under the provisions of Motor Vehicles Act is not complied. An excessive claim and interest is prayed by the petitioner. Hence considering all above facts it has prayed for dismissal of petition.

06. Points arise for my consideration along with findings thereon are as under.

Sr. No.	Issues	Findings.
1.	Whether the petitioner proves that due to rash and negligent driving of driver of Innova car bearing registration no. MH 24/V 9727 his accident took place and he received injuries in the said accident ?	In the affirmative

2.	Whether the respondent no. 2 proves that the owner of above said offending Innova car has committed the breach of conditions of insurance policy ?	In the negative
3.	Whether the petitioner proves that on account of injury sustained by him in the accident, he is entitled to get compensation, if yes, from whom and how much ?	In the affirmative
4.	What order and decree ?	As per final order.

:: REASONS ::

07. To prove the contents of petition, PW 1 Rangrao is examined at Exh.14. By his testimony FIR Exh. 19, spot panchanama Exh.20, MLC certificate Exh. 21, copy of Adhar Card Exh. 22, copy of statement of the witness Exh. 23 and 7/12 extract Exh. 24 are proved. Thereafter PW 2 Manish is recorded at Exh. 27. By his testimony disability certificate Exh. 28 is proved. The evidence of petitioner is closed by filing pursis Exh.31. No evidence is given by respondent no.1 and respondent no. 2 has closed its evidence by filing pursis Exh.32.

: AS TO ISSUE NO. 01 :-

08. PW 1 Rangrao says that, on 21/11/2018 at about 5.30 p.m. he was going by the motorcycle no. MH 26 BF 912. His brother Pradip was driving the motorcycle at moderate speed and when motorcycle was reached nearby farm house of Navekar on Akhada balapur to Naveri road Innova vehicle MH 24 V 9727 driven at rash and negligent manner given dash to the motorcycle. It is further stated that due to the dash given by Innova vehicle he along with his brother were fallen down and sustained grievous injuries. It is stated that for the medical treatment and other treatment, he has expended near about 2,00,000/-. Due to an

accident he lost his earning capacity for some period. He suffered 10% permanent disability and at the time of incident his age was 48 years.

09. In the cross-examination he says that his brother Pradip was owner of the vehicle but he could not tell about driving license possessed by his brother. He admits that spot was wide road where two vehicles could have easily passed. He had taken treatment at Yashosai hospital at one day and given information to medical officer when he was taking treatment at Sanjivani hospital. He said that approximately after lapse of one month he was called by the police. At the time of preparation of spot panchanama Exh. 20 no vehicle was present at spot and he could not tell the exact date when complaint was taken by the police.

10. PW 2 Manish says that on 29/07/2023 after examination of patient Rangrao Kadam he issued disability certificate Exh. 28. In the cross-examination he admits that only in case of amputation person is sustaining permanent disability. No part of the body of applicant rangrao was amputated and applicant Rangrao has never taken treatment in his hospital. It is also admitted that fracture injury mentioned in certificate Exh. 28 could be completely cured. Patient sustained fracture injury in year 2018 which was completely cured in year 2023.

11. Beside the oral evidence, documentary evidence is given by petitioner. Statement of petitioner Exh.23 recorded by the Police indicates that when petitioner was taking the treatment at Sanjivani hospital Nanded his statement was recorded by the police and accordingly crime no. 12/2019 came to be registered. The said statement further discloses that dash was given by Innova car bearing no. MH 24 V 9727. Similarly the copy of FIR exh. 19 discloses complaint was given against Innova vehicle bearing its no. MH 24 V 9727. The copy of station

diary extract and the copy of charge sheet discloses that against the Innova car driver offence was registered. The copy of spot panchanama Exh. 20 indicates that nothing was found by an Investigating Officer at the spot on the date of preparation of spot panchanama. Similarly medical certificate Exh. 21 discloses sustaining fracture injuries by the petitioner to his left hand. Even though other documents issued by the private hospital are not proved but these documents are in respect of treatment taken by the petitioner at private hospital.

12. The copy of insurance policy is issued by respondent no. 2. It is no where disputed by respondent no.2 that vehicle MH 24 V 9727 was not insured by it. On the day of an accident when Innova vehicle was insured by respondent no.2 and on the day of accident 21/12/2018 insurance policy was valid then both respondents are liable for compensation.

13. Oral evidence given by the petitioner is well corroborated by documentary evidence. When above said oral and documentary evidence clearly disclose sustaining fracture injury with multiple other injuries by the petitioner, an occurrence of an accident due to obstacle of wild animal and sudden dash given by Innova car MH 24 V 9727 owned by respondent no.1 and insured by respondent no.2 is also duly proved by the petitioner. Hence I answer issue no. 01 in the affirmative.

: AS TO ISSUE NO. 02 :-

14. I have already discussed the evidence given by the petitioner. PW 1 Rangrao has stated that Innova vehicle was owned by respondent no.1 and the said vehicle had given dash to the motorcycle driven by his brother. It is no where proved by respondent no.2 that owner of Innova car has committed breach of policy. Neither in the cross-

examination of the witness nor by leading the cogent evidence it is proved by respondent no. 2 that Innova vehicle was driven in breach of terms of policy. Hence I answer issue no. 2 in the negative.

: AS TO ISSUE NO. 03 AND 04 :-

15. It is submission of petitioner that due to an accident his earning capacity was affected and he suffered 10% physical disability. PW 2 Dr. Manish says that on 29/07/2023 he examined patient Rangrao and issued Disability Certificate Exh. 28 but the said witness in the cross-examination admits that in year 2023 fracture injury was completely recovered.

16. I have already discussed that exact expenditure for the medical treatment is not proved by the petitioner. An injury certificate Exh. 21 discloses one fracture injury and other injuries were sustained by the petitioner and disability certificate Exh. 28 was issued on 29/07/2023 when fracture injury was completely recovered. Exact income of petitioner is not proved by any documentary evidence. It is also not proved by the petitioner that he was skilled labourer. Due to MLC sent by medical officer Sanjivani hospital there was no delay in lodging of FIR. After receipt of information crime no. 12/2019 was also registered against Innova vehicle. In such circumstances when it appears from the record that petitioner had sustained one fracture injury and other injuries. When doctor examined him on 21/11/2018 then oral evidence given by the petitioner is well corroborated by documentary evidence. Therefore petitioner is entitled for the compensation.

17. I have already discussed that exact expenditure of medical treatment is not proved. Scrutiny of police papers and statement of petitioner recorded by the police clearly disclose involvement of Innova

vehicle in an accident. Hence judgment cited by respondent no. 2 are not useful. It is proved that petitioner has suffered mental agony. Petitioner had suffered fracture injury to thumb of left hand but same is recovered in year 2023 when disability certificate was issued. No permanent or temporary disability sustained by the petitioner is proved but it is proved that petitioner has sustained some pecuniary and non-pecuniary damages. Accordingly petitioner is entitled for compensation as follows -

Mental agony	Rs. 25,000/-
Pecuniary and non- pecuniary damages	Rs. 75,000/-

Thus, in total petitioner is entitled to get compensation of Rs. 1,00,000/- which would be just compensation. Hence I answer issue no. 3 in affirmative against both respondents and in answer to issue no 4 I pass the following order.

:: ORDER ::

- 1) Petition is allowed against both respondents.
- 2) Respondent no.1 and 2 are hereby directed to pay just compensation amounting to Rs. 1,00,000/- (Rs. One Lakhs Only) along with simple interest of 6 % per annum from the date of filing of this petition, till its realization.
- 3) Amount of no fault liability if any paid to petitioners be deducted while making full and final compensation to petitioners.
- 4) Accordingly award be drawn up.
- 5) Petition is accordingly disposed off.

Pronounced and dictated in open court.

Date:- 29/01/2026.

[P. G. Deshmukh],
Member, M.A.C.T. Hingoli

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order is same word for word as per original Judgment/order.

Name of Steno	:-	Shubhangi S. Yengade (Stenographer Grade-III)
Court Name	:-	P. G. Deshmukh, Member MACT Hingoli, Tq. & Dist. Hingoli.
Date of Judgment/order	:-	29/01/2026
Judgment/Order signed by the Presiding Officer	:-	29/01/2026
Judgment/Order Uploaded on	:-	30/01/2026