

MHND110006112022



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 Decided on : 14-08-2026
 Duration : Y M D
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BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BHOKAR.
DISTRICT NANDED.

(Presided over by Mr. Mohammad Nasir M. Saleem,
 Addl. Member MACT, Bhokar)

M.A.C.P No.52/2022**Exh.().**

Bapurao S/o. Dattaram Bhalerao,
 Age: 55 years, Occu: Nil,
 R/o.: Elegaan, Tq. Bhokar,
 Dist. Nanded.

] ... Claimant.

V e r s u s

1] Rajaram S/o. Hanmantu Rajarpallu,
 Age: 45, Occu: Business,
 R/o : Nanda (Bk.), Tq. Bhokar,
 Dist. Nanded.

2] Manager,
 Choramandlam MS General Insurance
 Company Ltd.
 3rd floor, oberoy Tower,
 opposite Road, Aurangabad.

] ... Respondents.

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Appearances:

Adv. Mr. S. B. Kumbhekar for claimant.

Adv. Mr. S. V. Raherkar for respondent no.2.

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ORAL JUDGMENT

(Delivered on 14th August, 2026)

By virtue of this petition filed under Section 166 of the Motor Vehicles Act 1988, the claimant has claimed compensation on account of serious injuries sustained by him due to accident arose out of use of the motorcycle bearing No.MH-26-B-6671 (hereinafter referred to as 'offending bike').

2] Briefly stated, it is averred that on 15-09-2021 at around 6.30 pm, the claimant along with his nephew Bapurao was heading off to his field. On the way, when they reached near the field of Ganeshrao Hulgunde situated at Elegaoon, Tq. Bhokar, the rider of the offending bike came from their opposite direction and gave dash to the claimant. As a result, he sustained crush injury on his right foot with multiple contusion and CLW. He was referred to the Spandan Hospital, Bhokar where primary aid was provided to him. Thereafter, he was taken to Katruwar Private Hospital, Nanded for further treatment. He was indoor patient in that hospital from 16-09-2021 to 20-09-2021. He was operated for said crush injury. Thus, claimant claims that the aforesaid injuries has affected his functional ability and he became permanent disabled. Hence, the petition.

3] The respondent no.1 did not enter his appearance despite the receipt of notice and petition proceeded ex-parte against him.

4] The respondent no.2 contested the petition on the

ground that it is bad in law for non-joinder and mis-joinder of necessary parties. There is delay in the registration of accident raising doubt about the involvement of the offending bike therein. It is denied that the claimant met with accident and thereby became permanently disabled. His age and source of income are denied. Dismissal of petition was sought.

5] Heard the learned advocate Mr. S. B. Kumbhekar for the claimant and learned advocate Mr. S. V. Raherkar for the respondent no.2.

6] On the backdrop of material propositions of law and facts pleaded by the parties, I framed the issues Exh.19 and they are reproduced with my findings thereon for the reasons given below.

<u>Sr. No.</u>	<u>Issues</u>	<u>Findings</u>
1	Whether the accident took place due to rash or negligence of driving of the driver of motorcycle bearing number MH-26-B-6671 ?	...Yes.
2	Whether the claimant has sustained permanent disability in the said accident ?	...20% partial permanent disability.
3	Whether claimant is entitled to get compensation from the opponents ? If yes, at what extend ?	...Yes, Rs.2,74,192/- from the respondents.
4	Is there breach of insurance policy of vehicle bearing number MH-26-B-6671 ?	...No.
5	What order and award ?	... As per final order.

REASONS

AS TO ISSUE NO.1 :-

7] The claimant is the sufferer of the accident. He deposed as to how he met with an accident. There is no challenge to his evidence that on the relevant date, time and place, he and his nephew were walking towards their agricultural land, on the way, the claimant was dashed by the rider of the offending bike Mr. Sanjay Raosaheb Jadhav.

The evidence of claimant gains corroboration from the police papers of the crime No.209/2021 registered with Umri Police Station. The contents of FIR and spot panchnama would indicate that the rider of the offending bike Mr. Sanjay Jadhav was negligent and due to his fault, the accident occurred hurting the claimant on his right foot.

8] It is evident that the claimant's nephew has seen the rider of the bike at the scene of accident. After making enquiry with the rider, he knew about his name as Sanjay Raosaheb Jadhav. Thus, on the relevant date, time and place of the accident, Mr. Sanjay Jadhav against whom crime registered, was the rider of the offending bike.

9] It is no doubt true that the accident was reported after some days of its occurrence, but there is nothing to find that the rider of the bike Mr. Sanjay Jadhav has been falsely involved and the offending bike has been planted with intent to grab money from the insured vehicle. After investigation, the investigating officer found sufficient evidence against the rider of the offending bike and arrived at the conclusion that the accident in question

had occurred due to his rash and negligent driving of Sanjay Jadhav and on account of use of offending bike. Hence, the issue no.1 is answered in affirmative.

AS TO ISSUE NOS.2 AND 3 :

10] It is proved that the claimant underwent required surgery at Katruwar Accident & Maternity Hospital, Nanded. He was inpatient for four days. On 20-09-2021, he was discharged from the said hospital. He had sustained the crush injury on his right foot with multiple contusion and CLW.

The aforesaid injury is certified as partial permanent disability to the extent of 20% by the Medical Officer attached to the Shankarrao Chavan Government Hospital, Nanded. Form Comp 'B' to that effect is at Exh.35.

At the time of accident, the claimant was aged about 55 years. No substantive evidence about the source of his income is led. There is no positive evidence to find that the claimant was earning Rs.96,000/- annually. Hence, his notional monthly income is taken Rs.6,000/-.

He was aged about 55 years at the time of accident and therefore, the multiplier of '11' is applied, future prospect will be 10%. Considering the functional disability of 20% the loss of future income is calculated as follows:

Actual calculation of loss of future income by multiplier method:

Loss of Earnings = Multiplier x [(annual income) + percentage of hike for future prospects] divided by percentage of total disability.

$$= 11 \times 6,000 + 10\% \times 20\% \text{ disability}$$

$$= \text{Rs.1,74,240/-}$$

11] The claimant has proved the medical expenses of Rs.64,952/- by producing bills to that effect.

12] Resultantly, the compensation deserves to be awarded to the claimant under the various head is as follows :-

Sr. No.	Head of Claim	Amount Awarded
1	Loss of earning capacity due to functional disability including 30% future prospects.	Rs.1,74,240/-
2	Medical expenses	Rs.64,952/-
3	Loss of amenities	Rs.10,000/-
4	Pain and sufferings	Rs.10,000/-
5	Conveyance Charges	Rs.5,000/-
6	Special Diet	Rs.5,000/-
7	Attendant charges	Rs.5,000/-
	Total :	Rs.2,74,192/-

Accordingly, issue nos.2 and 3 are answered.

AS TO ISSUE NOS.4 AND 5 :

13] The respondents have not disputed that the offending bike was insured with the respondent no.2 covering the date of accident vide policy Exh.27. The copy of registration Exh.28 shows that the offending bike was registered in the name of the respondent no.1. The rider of the bike Mr. Sanjay Jadhav had valid driving licence Exh.29. No breach of any of the terms of the policy has been committed by the respondent no.1. Thus, the respondent Nos.1 and 2 are jointly and / or severally liable to pay the above determined compensation to the claimant with interest

@ 9% p.a. Consequently, the issue no.4 is answered in negative and the petition is partly allowed with proportionate costs and in answer to issue no. 5, I pass the following order :

ORDER

- 1] The petition is partly allowed with proportionate costs as under:
 - (i) The claimant is entitled to get Rs.2,74,192/- (Rupees Two Lakh Seventy Four Thousand One Hundred and Ninety Two only) towards total compensation inclusive of NFL.
 - (ii) Respondent Nos.1 and 2 do pay Rs.2,74,192/- (Rupees Two Lakh Seventy Four Thousand One Hundred and Ninety Two only) jointly and/ or severally to the claimant with interest @ 9% p.a. from the date of institution of the petition till the date of payment of the said amount into the Court.
 - (iii) On depositing of the said amount into the Court, out of the amount payable to claimant, 25% of the amounts be invested in the fixed deposit in his name in any Nationalized Bank of his choice for a period of three years and rest of the amounts be paid to him by account payee cheques. He shall be at liberty to withdraw the amount of interest accrued on the fixed deposit amounts quarterly, if desired.
- 2] The claimant shall deposit the deficit Court Fee within one week from the date of this judgment. Accordingly, an award be drawn up.

Bhokar.

Date:14.08.2026.

(Mohammad Nasir M. Saleem)

Member, MACT, Bhokar.

CERTIFICATE

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

Name of Stenographer : M. K. Pawde.

Court name : Mohammad Nasir M. Saleem,
District Judge-1, Bhokar.

Date : 14-08-2026.

Judgment signed
by Presiding Officer : 14-08-2026.

Judgment uploaded
on : 14-08-2026.