

MACP No 23/2025

Exh - 1

IN THE COURT OF THE HON'BLE CHAIRMAN, MOTOR  
ACCIDENT CLAIMS TRIBUNAL, AHMEDNAGAR,  
AT : AHMEDNAGAR.

MOTOR ACCIDENT CLAIM PETITION NO. OF 2025



APPLICANTS

- 1) Suman Dinkar Dive,  
Age- 58 years, Occu.- Household,
- 2) Karbhari Dinkar Dive,  
Age- 40 years, Occu- Labourer,
- 3) Haribhau Dinkar Dive,  
Age- 35 years, Occu- Labourer,  
All R/o - Kangar,  
Tal.- Rahuri,  
Dist. Ahmednagar.
- 4) Anita Shivaji Dushing,  
Age- 36 years, Occu- Household,  
R/o - Lohare,  
Tal.- Sangamner,  
Dist. Ahmednagar.  
Mob-

Order  
Issue notice  
to Opponents

OPPONENTS

- 1) Sonu Sahebrao Kolshe,  
Age- 30 years, Occu.- Agriculturist,  
R/o- Subhash Colony, Ward No 6,

  
I know applicants  
Adv. A. A. Mahandule

Tal.-Shrirampur, Dist.Ahmednagar.

- 2) Irfhan Afsar Shaikh,  
Age- 35 years, Occu.- Laborer,  
R/o-K.V.road, Ward No 6,  
Tal.-Shrirampur,Dist.Ahmednagar.

- 3) Bajaj Allianz General Insurance  
Company Ltd.

Notice to be served on Branch  
Manager, Ahmednagar,  
R/o- 2<sup>nd</sup> Floor, Sarswati Bhawan,  
Behind Booth Hospital, Chandni  
Chowk, Ahmednagar

Claim Rs. 10,00,000/- u/s. 166 of M, V. Act

To,

THE HON'BLE CHAIRMAN/MEMBER,  
MOTOR ACCIDENT CLAIMS TRIBUNAL,  
AHMEDNAGAR.

We, the above-named applicants, resident of Kangar, Tal. Rahuri, Dist. Ahmednagar and Lohare Tal-Sangamner, hereby apply as legal representative and dependents for grant of compensation on account of death of Dinkar Mahadu Dive, who died in motor vehicle accident dated 19/06/2020

NECESSARY PARTICULARS IN RESPECT OF THE DECEASED, VEHICLE ETC. ARE GIVEN AS BELOW :

- 01 Full name and address of the deceased. : *Dinkar Mahadu Dive,*  
R/o. Kangar,  
Tal. Rahuri,

Dist. Ahmednagar

- 02 Age of the person dead. : 60 Years
- 03 Occupation of the person : Agriculturist  
dead.
- 04 Name and address of the : Not applicable.  
employer, if any, of the  
deceased.
- 05 Monthly income of the person : Rs. 1,00,000/- per annum.  
dead.
- 06 Place, date and time of the : *Place* : In the vicinity of  
accident with the name of Vadner Phata, Tal.-Rahuri,  
Police Station, in whose Dist. Ahmednagar on  
jurisdiction the accident took Mhaisgaon-Rahuri Factory  
place or was registered. Road,  
*Date & Time* : 19/06/2020  
at about 04.30 p.m.  
Rahuri Police Station,  
Tal- Rahuri.  
*CR no* 1 1019/2020
- 07 Was the person in respect of : Deceased was proceeding as  
whom compensation is pillion rider on Motorcycle  
claimed was travelling by the bearing no MH-17-CK-3059  
vehicle involved in the as rider towards Kangar  
accident ? If so, give the  
name of places of starting of  
journey and destination.
- 08 Nature of injuries sustained : Deceased sustained grievous  
& period of treatment and head injury, and multiple  
expenditure, if any, and injuries and was admitted in  
whether it caused permanent City Care Hospital,  
Ahmednagar,

disability or not, of the injury.

on 19/06/2020 till 21/06/2022 and later at Pravara Rural Hospital from 22/07/2020 and he died on 03/07/2020 while taking treatment due head injury.

- 09 Name and address of the Medical Officer, Medical Practitioner, if any, who attended the injured. : Medical officer, City Care Hospital, Ahmednagar, and Medical Officer, Pravara Rural Hospital, Loni who treated and conducted post mortem.
- 10 Registration number and type of vehicle involved in the accident. : Motor cycle bearing no *MH-17-CK-3059* And motorcycle bearing no *MH-17-BW-2837*
- 11 Applicant's relationship with the deceased. : Applicant no 1 is Wife, applicant no 2 and 3 are sons and applicant no 4 is daughter of deceased.
- 12 Title to the property of deceased. : Legal heirs and dependents
- 13 Amount of compensation claimed. : Rs. 10,00,000/-.
14. Any other information that may be necessary or helpful in the disposal of the claim.

A) On 19/06/2020 deceased Dinkar had been to Mhaisgaon alongwith opponent no 2 for personal work on motorcycle bearing no

MH-17-CK-3059 and was returning back at his home at Kangar. Opponent was riding the said motorcycle and deceased was pillion rider, opponent no 2 was driving his motorcycle in very high excessive speed without following traffic rules and rules and regulations. When they reached near Vadner phata at about 4.30 pm opppnent no 2 rashly and negligently gave a forceful dash to the Motorcycle bearing no MH-17-BW-2837 from backside. Due to the forceful dash deceased failed down on road and sustained grievous injuries on head, with other injuries. The rider and pillion rider of motorcycle bearing no MH-17-BW-2837 also failed down and sustained grievous injuries. Due to the accidental injuries deceased Dinkar got unconscious and was taken for treatment at City Care Hospital Hospital, Ahmednagar by ambulance immediately. Deceased Dinkar was admitted in City Care Hospital from 19/06/2020 till 21/06/2020. Thereafter Deased Dinkar was admitted in Pravara Rural Hospital Loni on 22/06/2020. Dinkar died on 03/07/2020 while taking treatment due to the accidental injuries on head. The accident occurred only due to the rash and negligent driving of opponent No.2, therefore crime is registered against opponent no 2 in Rahuri Police Station vide CR no-1 1019/2020 for the offence punishable u/s 304-A,279,337,338,427 of Indian Penal Code and u/s 184,134(A)(B),177 of Motor Vehicles Act. The opponent No.1 is the owner of the said motor cycle bearing No. MH-17-CK-3059 and said motorcycle was insured with opponent No. 3 for the period from 13/02/2020 to 12/02/2025.

B) After the accident Dinkar was admitted in City Care Hospital, Ahmednagar on 19/06/2020. After getting admitted in City Care Hospital he was in I.C.U. and was treated for head injury. Dinkar was discharged from City Care Hospital for taking further treatment on 21/06/2020. While taking treatment at City Care Hospital Ahmednagar expenses of more than Rs. 1,00,000/- were incurred for Hospital, medical and other bills. Thereafter deceased Dinkar Was admitted in Pravara Rural Hospital, Loni on 22/06/2020 and he died on 03/07/2020 while taking treatment. Rs. 50,000/- expenses were incurred for medical and other expenses while he was admitted in Pravara Rural Hospital.

C) Deceased Dinkar was the only earning member of his family. The age of deceased Dinkar was 60 years at the time of accident. Deceased Dinkar was cultivating his agricultural land and was earning nearly Rs. 1,00,000/-per annum net profit. Applicant no 1 is wife and applicant no 2 and 3 are sons and applicant no 4 is daughter of deceased Dinkar. Applicants were solely dependent on the income of deceased Dinkar. Therefore, the applicants are claiming compensation of Rs. 10,00,000/-, in lump sum on all admissible counts i.e. loss of dependency, loss of love and affection, consortium, funeral expenses and transportation from opponent no 1 to 3 jointly and severally. The amount of compensation claimed is just and proper.

15) CAUSE OF ACTION: It arose firstly on 19/06/2020, when the motor vehicle accident occurred and then on 03/07/2020 deceased Dinkar i.e. husband of applicant No.1 and father of applicants no 2 to

4 died while taking treatment and it is continued as opponent no 1 to 3 have not paid amount of compensation to the applicants.

16) JURISDICTION: The applicants are residing within the jurisdiction of Hon'ble Tribunal, therefore, the Tribunal has power to entertain and decide the present claim petition.

17) VALUATION : The amount of compensation of Rs. 10,00,000/- is claimed in this application, therefore, claim petition is valued at the same and requisite court fee stamp, initially of Rs. 1350/- is paid and remaining with the permission of Hon'ble Court will be paid within the period granted by the Hon'ble Tribunal.

18) RELIEFS CLAIMED :

(A) The application may kindly be allowed with costs.

(B) The opponents jointly and severally may kindly be ordered to pay the amount of Rs. 10,00,000/- as compensation to the applicants, along with interest at the rate of 12% p.a. from the date of accident.

(C) The cost of the petition may kindly be awarded.

(D) Any other relief consistent with facts and circumstances of the case and the amount of compensation more than claimed and permissible by law may kindly be awarded to the applicants.

SOLEMNLY AFFIRMED AT AHMEDNAGAR.  
THIS ~~29~~ DAY OF NOVEMBER, 2025.

09 January 2025

1)

2)



स.प्र.सं.प. यु.न.ग.म.न.  
दि. 09 नवंबर 2025  
अ.प्र.

  
ADVOCATE


- 3) Dive . H . D  
4) A . S . Dushina

VERIFICATION

We above named applicants solemnly declare that the particulars given above are true and correct to the best of our knowledge and belief and that no claim in respect of the same accident has been filed by us therein or pending under Sections 140, 166 or 163-A of the Motor Vehicles Act, before any other Forum in India.

Verified before me and Identified by me  
THIS 28 DAY OF ~~NOVEMBER~~ 2024  
DECEMBER

filed no. 109101125

- 1)  स.नि.अं.रा. सुमन  
दिनांक दिने दि.न.स.मे  
2) DIVE  
3) Dive . H . D  
4) A . S . Dushina