

MHAH010013932017



Presented on : 07.03.2017
Registered on : 09.03.2017
Decided on : 02.04.2026
Duration : Y. M. Ds.
09 00 26

BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL,
AT : AHMEDNAGAR.

[Presided over by A.M.Patil, Member, MACT/DJ-1]

M.A.C.P. No.101/2017

Exh.45

Swapnil Sanjay Bhujbal
Age : 22 years, Occ. : Education
Resident of Maligalli, Shevgaon,
Tal. Shevgaon, Dist.Ahmednagar.

...**Petitioner**

Versus

Maharashtra State Road Transport Corporation,
Ahmednagar.

...**Respondent**

Claim : Under section 166 of the Motor Vehicles Act.

: Appearances :

Mr. A. A. Jadhav Advocate for the Petitioner.
Mr. F. B. Shaikh, Advocate for Respondent.

J U D G M E N T

(Delivered on the 2nd Day of April 2026)

1. The Petitioner has prayed for compensation of Rs.15,00,000/- on account of permanent disability sustained by him in motor vehicular accident dated 26.06.2014.

2. The facts of the claim petition, in brief, are as under;

On 26.06.2014 the petitioner at about 1.30 p.m. was proceeding on his motorcycle No. MH 16 X 2113 after purchasing milk bag from Ambedkar Chawk Shevgaon to his hotel in slow speed. At that time S.T. Bus bearing No. MH 14 BT 1158 (here-in-after referred to as 'the offending vehicle') came from the back side in high speed and negligent

manner and gave a dash to the motorcycle of the petitioner. Due to which accident took place. The petitioner fell down on the road and sustained grievous bleeding injuries to his stomach, right elbow and left knee. He was immediately taken Lokmanya Hospital at Shevgaon and after primary treatment was shifted to City Care Hospital, Ahmednagar. He was admitted there as an indoor patient from 26.06.2014 to 29.06.2014. On 29.06.2014 the petitioner was shifted to Ruby Hall Clinic, Pune for further treatment and was discharged on 17.07.2014. During the hospitalization he spent Rs.10,00,000/-.

3. The petitioner further contended that prior to the accident, he was earning member of his family. He was 18 years old at the time of accident. The petitioner was taking education and also helping his father in hotel business. He was earning Rs.2,00,000/- per year. But due to disability he is unable to walk properly. Due to accidental injuries the petitioner is not able to do his daily work, therefore he had sustained mental shock and agony.

4. The petitioner further stated that the offending vehicle was owned by the respondent. So it is liable to pay compensation to the petitioner on pecuniary and non-pecuniary basis.

5. The S.T. driver himself lodged report to Shevgaon Police Station about the accident. Therefore the police registered an offence against the rider of the motorcycle i.e. petitioner vide Crime No.161/2014 punishable under sections 279, 337, 338, 427 of the Indian Penal Code and sections 184 of the Motor Vehicles Act, 1988. Hence, this claim petition.

6. The respondent filed its written statement at Exh.14. It denied all the contentions in the claim petition. It is submitted that at the time of accident the driver of the offending vehicle had stopped the bus to take the passengers. At the same time one three wheeler had also stopped there

for taking the passengers. The petitioner took milk bags and when he was trying to pass over the rickshaw he lost his control and fell down in front of the front tyre of the bus with his motorcycle. At that time the bus was parked at one place. When the passengers sat in the bus the conductor gave double bell, therefore the bus driver started the bus. At that time the passenger raised shout and told about the falling of motorcycle rider. The bus driver also heard the noise of falling motorcycle. Therefore he stopped the bus and got down. He saw that the motorcycle rider to have fallen down. He had sustained injury to his stomach because of handle of the motorcycle. The bypassers gathered there and took the petitioner to the hospital in rickshaw. As the driver of the bus afraid of people, he went to police station and informed about the accident. Thereafter police went to the spot. It is further submitted that there is no fault on the part of the bus driver. The petitioner was sole negligent and responsible for the accident. The petitioner is resident of village Shevgaon, therefore with joining hands of local leaders put pressure on the police and prepared forged documents of the accident and lodged false report against the driver of the offending vehicle. The petitioner was not holding a valid and effective driving license at the time of incident. No damage was caused to the offending vehicle at the time of incident. Someone from the crowd must have broken the headlight of the bus. Therefore the respondent is not liable to pay the compensation to the petitioner.

7. On the basis of the rival pleadings of the parties, following issues were framed by my learned predecessor at Exh.44 against which, I have recorded my findings along with the reasons as follows ;

Sr.No.	ISSUES	FINDINGS
1.	Whether petitioner proves that he has injured in vehicular accident on 26.06.2014, due to rash and negligent driving of driver of S. T. bus bearing registration No.MH 14 BT 1158 ?	..Yes.

2. Whether the petitioner is entitled for compensation ? If yes, to what extent ? ..Yes.
3. What order, cost and award ? As per the final order.

REASONS

8. To substantiate the claim, the petitioner proved the documents with list at Exh.3 i.e. FIR(Exh.18), Spot Panchnama(Exh.19), discharge bill (Exh.32), C.T. Scan report(Exh.33) medical papers and bill (Exh.35 to 37), Report of the Court Commissioner(Exh.38) and closed his evidence vide pursis at Exh.39.

As to Issue No.1 :

9. Swapnil Sanjay Bhujbal (PW1) examined himself by way of filing his affidavit at Exh.14. He deposed as per the averments made in the petition. In his evidence, he has reiterated the same as per the claim petition in his evidence. He deposed that he was admitted in the City Care Hospital from 26.06.2014 to 29.06.2014 and thereafter shifted to Ruby Hall Clinic, Pune as indoor patient. He spent huge amount for his hospitalization and treatment. He further deposed that due to the accidental injuries he is unable to run and lift heavy articles. His digestion was impaired. He was also suffering from Hernia and undergone the surgery for it.

During cross-examination the respondent has suggested to the petitioner in respect of not holding of a valid driving license, the auto rickshaws used to stop at Ambedkar Chowk for the passengers, the S.T. bus was parked when he was proceeding on motorcycle by taking milk bags, when he tried to overtake the S.T. bus, the handle of the motorcycle stuck to the bus by conductor side and fell down, the injures sustained to him are recovered and the accident occurred due to his sole negligence. But, the witness denied all these suggestions. Even, this witness denied the

suggestions of the respondent in respect of non-earning of money from the hotel business. Except that, nothing material came on record to support the defence of the respondent.

10. The petitioner further examined Dr. Sandeep Surana(PW2) to prove the medical bills. He deposed that the petitioner was admitted in their hospital on 26.06.2014 with history of road traffic accident. He further deposed that the petitioner got chest injury and abdomen injury. He had liver laceration with hematoma and fracture 7, 8, 9 rib from left side. He further deposed that he treated the petitioner on emergency basis and referred to higher centre on 29.06.2014. During the period of admission of the petitioner they operated on his liver. He further deposed that he received Rs.63,800/- from the patient as indoor patient as per Exh.32. He further deposed that the C.T. Scan of chest, abdomen and pelvis dated 26.06.2014 and C.T. Scan of chest as per Exh.33 were taken in their hospital.

During cross-examination the respondent suggested to this witness that he had treated on 7, 8, 9 ribs of the petitioner, he issued reference letter to the patient about shifting to Ruby Hall Clinic, Pune, but he denied the same.

11. The petitioner further examined Dr. Prachi Milind Sathe (PW3). She deposed that the petitioner was admitted in their hospital on 29.06.2014 and was referred by Dr.Sandeep Surana of City Care Hospital, Ahmednagar. He further deposed that the petitioner was admitted in their hospital as he was having severe injuries due to road traffic accident. She further deposed that the petitioner was kept on ventilator in ICU till 15.07.2014. The petitioner was treated in ICU for lunges, spleen and liver injuries and discharged on 17.07.2014. He further deposed that the Exh.35 are the reports of their hospital and discharge summary is Exh.36. The petitioner has paid Rs.5,33,564/- to their hospital as per Exh.37.

During cross-examination by the respondent this witness admitted that the petitioner was not operated in their hospital, no surgery was conducted on him in their hospital and as the petitioner was recovered he was shifted from ICU and then discharged.

12. On the other hand, the respondent examined Sahdev Raghunath Mundhe(DW1) the driver of the offending vehicle. He deposed that on 26.06.2014 he was working as a driver in Pathardi Bus Depot. On that day when he was returning from Shevgaon to go to Pathardi, stopped the bus at Ambedkar Chowk to take the passengers. At that time there was one rickshaw stopped to the conductor side. The motorcycle rider fell down to the conductor side of the S.T. bus after giving dash to the auto rickshaw. Due to which the left side light of the bus was broken. The people rushed there and took the petitioner to the hospital. He further deposed that as he scared to the people, went to police station and lodged report against the motorcycle rider. The spot of incident is crowded place and surrounded by the shops. When the motorcycle rider gave dash to the bus, it was parked. The motorcycle rider is sole responsible for the accident. Police sent him to Shevgaon Depot. He informed the Depot Manager about the incident. Police filed a false case against him. The motorcycle rider was not having driving license.

During cross-examination the learned advocate of the petitioner gave suggestions to this witness that he drove the bus in high speed and gave forceful dash to the motorcycle rider from behind due to which he fell down on the road and sustained grievous injuries, the accident was occurred due to his negligence therefore police registered the offence against him, the S.T. department had stopped his two increments in departmental inquiry, the motorcycle rider firstly gave dash to the auto rickshaw and thereafter to the bus. But this witness denied all these suggestions.

13. Upon perusal of police papers proved by the petitioner it is seen that offence against the driver of the offending vehicle was registered on 30.06.2014 under Section 279, 337, 338 and 427 of the IPC r/w. Section 184 of M.V. Act by Shevgaon Police Station. The spot panchnama was prepared on the day of accident i.e. on 26.06.2014. On the basis of these documents, the involvement of the S.T. bus has been proved. So far as negligence on the part of the petitioner is concerned as per the deposition of Sahdev Munde(DW1), during cross-examination he admitted that there is no authorized bus stop at the Ambedkar Square. Then why the driver of the offending vehicle had stopped the S.T. bus at that square to take the passengers. There is no any explanation given by the respondent in respect of this fact. It proves negligence on the part of the S.T. driver and this is sufficient proof as per the settled law in motor accident claim petitions.

14. In the judgment of our Hon'ble High Court in **Sneha Bankar and others V/s Hanumant Pednekar and another, 2016 (1) Mh.L.J. 200**, it is held that while deciding the accident cases the tribunal or court shall bear in mind the caution struck by the Apex court that the claim before the Motor Accident Claims Tribunal is neither criminal case nor a civil case. In a criminal case, in order to have a conviction the matter is to be proved beyond reasonable doubt and in the civil case the matter is to be decided on the basis of preponderance of probability, but in the claim petition before the Motor Accident Claims Tribunal, the standard of proof is much below than what is required in the criminal case as well as in the civil case. Undoubtedly, the inquiry before the Tribunal is a summary inquiry and therefore, does not require strict proof of liability.

15. In the judgment of our Hon'ble High Court in **United India Insurance Co. Ltd. Parbhani V/s Sayaji Shinde, 2009(3) Mh.L.J. 539**, it is held that certified copies of the F.I.R., spot panchanama and inquest panchanama produced by petitioner are the public documents

and they can be read in evidence without any additional proof.

16. As per the ratio laid down by Hon'ble Supreme Court in the case of **Bimla Devi V/s Himachal Road Transport Corporation AIR 2009 SC 2819**, that “the petitioners of motor accident claim petition are not required to strictly prove the point of negligence as required in criminal case. It would suffice that the petitioners can establish negligence on the touchstone of preponderance of probability”. On perusal of police papers i.e. copy of FIR, spot panchanama etc, it shows that the petitioner sustained injuries in road accident. Therefore, the ratio laid down in case of **Bimala Devi** (Supra) is well applicable in this case.

17. In the present case in hand, the petitioner succeeded in proving the fact that the accident took place due to the rash and negligent driving of the driver of the offending vehicle. He also succeeded in proving that he sustained fatal injuries in the accident. Considering all these aspects, I answer issue no.1 in the affirmative.

As to Issue No.2:

18. So far as compensation is concerned, in the deposition of Swapnil(PW1) it came on record that due to the accidental injuries he is unable to run and lift heavy articles. He also suffered from digestion problems and has undergone surgery for hernia. The testimony of the petitioner is supported by the evidence of Dr.Sandeep Surana(PW2) and Dr.Prachi Sathe(PW3). But, the petitioner has not brought disability certificate in the form of 'Form Comp B'(disability certificate). Therefore, it would be beneficial to refer the judgment of Hon'ble Supreme Court in case of **Raj Kumar Vs. Ajay Kumar and anr. AIR Online 2010 SC 125**, particularly para no.8, 10, 11 and 12;

8. Disability refers to any restriction or lack of ability to perform an activity in the manner considered normal for a human-being. Permanent disability refers to the residuary incapacity or loss of use of some part of the body, found

existing at the end of the period of treatment and recuperation, after achieving the maximum bodily improvement or recovery which is likely to remain for the remainder life of the injured. Temporary disability refers to the incapacity or loss of use of some part of the body on account of the injury, which will cease to exist at the end of the period of treatment and recuperation. Permanent disability can be either partial or total. Partial permanent disability refers to a person's inability to perform all the duties and bodily functions that he could perform before the accident, though he is able to perform some of them and is still able to engage in some gainful activity. Total permanent disability refers to a person's inability to perform any avocation or employment related activities as a result of the accident. The permanent disabilities that may arise from motor accidents injuries, are of a much wider range when compared to the physical disabilities which are enumerated in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Disabilities Act' for short). But if any of the disabilities enumerated in section 2(i) of the Disabilities Act are the result of injuries sustained in a motor accident, they can be permanent disabilities for the purpose of claiming compensation.

10. Where the claimant suffers a permanent disability as a result of injuries, the assessment of compensation under the head of loss of future earnings, would depend upon the effect and impact of such permanent disability on his earning capacity. The Tribunal should not mechanically apply the percentage of permanent disability as the percentage of economic loss or loss of earning capacity. In most of the cases, the percentage of economic loss, that is, percentage of loss of earning capacity, arising from a permanent disability will be different from the percentage of permanent disability. Some Tribunals wrongly assume that in all cases, a particular extent (percentage) of permanent disability would result in a corresponding loss of earning capacity, and consequently, if the evidence produced show 45% as the permanent disability, will hold that there is 45% loss of future earning capacity. In most of the cases, equating the extent (percentage) of loss of earning capacity to the extent (percentage) of permanent disability will result in award of either too low or too high a compensation.

11. What requires to be assessed by the Tribunal is the effect of the permanent disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation (see for example, the decisions of this court in **Arvind Kumar Mishra v. New India Assurance Co.Ltd.** 2010(10) SCALE 298 and **Yadava Kumar v. D.M., National Insurance Co. Ltd.** - 2010 (8) SCALE 567).

12. Therefore, the Tribunal has to first decide whether there is any permanent disability and if so the extent of such permanent disability. This means that the tribunal should consider and decide with reference to the evidence:

(i) whether the disablement is permanent or temporary;

(ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement,

(iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is the permanent disability suffered by the person.

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

19. Looking to the ratio laid down in the case of Raj Kumar (supra), this tribunal has to assess the percentage of functional disability of the petitioner. It is proved that the petitioner is unable to run and lift the heavy articles. If it is so, then it is seen that the petitioner can not do heavy work to earn his livelihood. In such circumstances it would be proper to consider his permanent disability as to 20%.

20. The petitioner failed to prove his income. On the day of accident admittedly, his age was 18 years and he was helping his father to run the hotel. Our Hon'ble High Court has held in case of **Jalindar Argade Vs. Mayur Kshirsagar and ors. in First Appeal No.348 of 2025 decided on 12.09.2025** and held that, there is no straight jacket formula for holding the notional income of the person and it is purely a mindful guesswork, which has to be applied judiciously. Upon perusal of the petition, the petitioner himself has claimed his monthly income of Rs.6,000/- in para no.5 and therefore it is considered to be monthly income and Rs.72,000/- per year. For the age of 18 years, multiplier of 18 is applicable. Thus, the annual future loss of earning comes to Rs.14,400/- (72,000/- X 20%) X 18 = Rs.2,59,200/-. The petitioner has also produced medical bills of hospitals and pharماسists on record for Rs.63,800 + 5,33,564 = Rs.5,97,364/-. The petitioner is entitled for transportation charges for Rs.25,000/- and towards pain and suffering for Rs.50,000/-. Thus, the petitioner is entitled for total compensation as under :

Rs. 2,59,200/-	towards loss of earnings,
Rs. 5,97,364/-	towards medical expenses,
Rs. 50,000/-	towards pain and suffering,
Rs. 25,000/-	towards transportation charges,

Total- Rs. 09,31,564/-	

Thus, respondent is liable to pay the amount of Rs.09,31,564/- to the petitioner. Hence, I answer issue No.3 accordingly and in answer to issue No.4, pass the following order ;

ORDER

1. The petition is partly allowed.
2. Respondent is directed to pay the petitioner an amount Rs.09,31,564/- (Rs. Nine Lacks Thirty One Thousand Five Hundred and Sixty Four only) including no fault liability amount, together with an interest at the rate of Rs.8% (Rs. eight per cent) per annum from the date of filing of this petition till its realization.
3. The respondent shall deposit the said amount within two months, from the date of this order.
4. After deposit, the said amount be disbursed to the petitioner by issuing account payee cheque in his name.
5. Award be drawn after payment of deficit court fees stamp, if any.

Dictated and pronounced in open Court.

(A. M. Patil)

Member, MACT/District Judge-1,
Ahmednagar.

JO Code-MH02456

Date : 02.04.2026