

MHAH130010082022 Presented on : 17/11/2022  
Registered on : 17/11/2022  
Decided on : 17/03/2026  
Duration : Ys. Ms. Ds  
03. 04. 00



**BEFORE MOTOR ACCIDENT CLAIMS TRIBUNAL, NEWASA, DISTRICT  
AHILYANAGAR**

( Presided over by Shri. R. R. Hastekar )

**Motor Accident Claim Petition 63/2022**

**Exh.40**

**Balasaheb Gopinath Patange**

Age: 50 Years,

Occupation : Agriculture and Kiran Store

R/o Wadala Bahiroba, Tal. Newasa,

Dist. Ahilyanagar

**..CLAIMANT**

**VERSUS**

1 **Parth Shrikant Mote**

Age: Major, Business,

Owner of  
Motorcycle

2 **Shrikant Bhanudas Mote**

Age: Major, Driver,

Both R/o Wadala Bahiroba, Tal. Newasa,

Dist. Ahilyanagar

(Driver of the  
Motorcycle )

3 **I.C.I.C.I. Lombard General Insurance  
Co. Ltd.**

Adventure Tower, Infront of Hotel

Oberoi, Savedi Road, Ahilyanagar.

(Insurer for the  
Motorcycle )

**RESPONDENTS**

**CLAIM : U/S 166 OF THE MOTOR VEHICLES ACT**

**Learned Advocates :**

For Claimant : Adv. Shri. A.F.Pathan  
Adv. Shri F.A.Pathan  
For Respondent nos. 1, 2 : Adv. Shri.N.A.Mote  
For Respondent no. 3 : Adv. Shri B.L.Tambe  
Adv. Shri.S.B.Tambe

**J U D G M E N T**

(Delivered on this 17<sup>th</sup> day of March, 2026)

This petition is filed under section 166 of The Motor Vehicles Act, for compensation, on account of injuries sustained by claimant Balasaheb Patange in motor vehicular accident.

2. In brief, the case of claimant, is as under :

- i On 10.07.2022, claimant was riding bicycle from Mahadeo Temple in Wadala-Bahiroba to his house. His house is also situated in Wadala-Bahiroba.
- ii He was driving bicycle in slow speed. At about 11.30 a.m., from behind, he was dashed by motorcycle MH17-CK1028.
- iii He fell down and sustained serious injury to his head and legs.
- iv Respondent no.2 Shrikant Mote was driving that motorcycle. He has driven the motorcycle in rash and negligent manner.
- v Respondent no.1 is owner of motorcycle.
- vi The motorcycle was having cover of Insurance Policy of respondent no.3.
- vii Before accident claimant was running Kirana and Grocery shop in Wadala-Bahiroba.
- viii Wadala-Bahiraoba is thickly populated. Surrounded by several villages. Claimant was earning profit out of his

business of shop.

- ix He hold agricultural land. It is irrigated land. He was doing farming with modern technics and methods.
- x He has sustained fracture to Tibia Fibula to one leg. He has also sustained crush injury to Great toe of right foot. He cannot stand, walk or sit. Due to head injury he is suffering from continuous head-ache, giddiness and to some extent he has lost his memory.
- xi On all above grounds, claimant urged for compensation of Rs. 12,00,000/-.

3. Respondent no. 1 and 2 filed their Written Statement. It is at Exhibit 12. It is denied that accident occurred due to rash and negligent driving of motorcycle by respondent no.2. The motorcycle was insured with respondent no.3. On the date of accident, the policy was valid and effective. Respondent no.3 would be liable to pay the compensation.

4. Respondent no.3 filed written statement. It is at Exhibit 18. Involvement of motorcycle is disputed. It is case of respondent no. 3 that, owner of the motorcycle has committed breach of conditions in the policy. Driver of motorcycle was not holding valid and effective policy.

5. I framed issues at Exh.19. The issues are reproduced below. I have given findings against them, for the reasons to follow.

#### **ISSUES**

#### **FINDINGS**

- |   |     |
|---|-----|
| 1. Do petitioners prove that petitioner | Yes |
|---|-----|

- sustained injuries in accident that was caused by two-wheeler MH-17-CK-1028 ?
2. Whether petitioner sustained permanent disability ? Yes
  3. Whether respondent no.2 has driven motorcycle in rash and negligent manner ? Yes
  4. Whether respondent No.2 was holding valid and effective driving licence ? Yes
  5. Whether petitioner is entitled for compensation ? If yes, what shall be the amount of compensation ? ₹ 22, 55,300/- from respondent nos. 1,2,3
  6. What Order and Award ? as per final order.

**:: REASONS ::**

**AS TO ISSUES NO. 1**

6. The accident occurred on 10.07.2022. Report was lodged in the Police Station on 23.07.2022. Rushikesh Balasaheb Patange lodged report. He is son of claimant.

7. I have perused the FIR. It is stated in the report, by Rushikesh that, on 10.07.2022 at about 11.00 a.m. his father had gone to Mahadeo Temple on bicycle as it was Aashadhi Ekadashi. At about 11.30 a.m. he (Rushikesh) received call from Sangram Mote. Sangram Mote informed him that his father met with accident on Ahmednagar-Aurangabad highway. He and his cousin Dnyaneshwar Shriram Patange went to the spot. His father had sustained injuries to head, left leg, motorcycle no. MH-

17-CK-1028 was lying there. Shrikant Mote (respondent no.2) and Parth Mote (respondent no.1) were also there. They both had sustained injuries.

8. In the FIR, it is stated that, informant Rushikesh came to know from persons who were gathered on the spot that Shrikant Mote was driving the motorcycle, Parth Mote was pillion rider. The Motorcycle given dash to bicycle of his father from back. His father was rushed to Mission Hospital in Wadala-Bhairoba. Doctor referred him to Ahmednagar. He was rushed to Pandit Hospital, Ahmednagar.

9. It is noticeable that though delay is caused in lodging FIR, involvement of the motorcycle is undoubted. It is because when informant Rushikesh had gone on the spot, not only the motorcycle was lying there but both respondent nos.1 and 2 were there and they had sustained injuries.

10. On 10.07.2022 a letter was given by Pandit Hospital, Ahmednagar to Kotwali Police Station, Ahmednagar. In the letter, there is mention of accident caused by dash given by two wheeler on 10.07.2022 at 11.30 a.m. Place of accident is also mentioned. This also supports to the case of claimant that he has sustained injuries in the accident which was caused by a two-wheeler. In these circumstances, it will not be proper to doubt on the involvement of the motorcycle MH-17-CK-1028, when

respondent nos 1 and 2 were on the spot with their motorcycle. Hence, I have given finding to issue no.1 in the affirmative.

**AS TO ISSUE NO.2 :**

11. When claimant was examined in the Court, it was found that, he requires use of walker for movement. Claimant Balasaheb in his affidavit in-lieu of examination-in-chief states that after accident, he has sustained permanent functional disability. He could not work in his agricultural land. He could not do his Kirana and grocery business. He could not do driving.

12. In the petition, claimant has not stated that he was also doing work as driver and was earning money. However, in his affidavit in-lieu of examination-in-chief, he states that he is holding driving licence in the category of LMV and LMV Transport. He has filed copy of licence. It is at Exh.34.

13. Claimant has also filed 7 × 12 extract of Gat No.112/2, village Wadala-Bahiroba. From 7×12 extract, it is seen that claimant is holding 57 R land.

14. Claimant was doing Kirana, grocery business, farming and driving.

15. As far as injuries sustained by claimant are concerned, in discharge Card (Ex.28) it are mentioned as under:

- i) RTA with Blunt head injury with hemorrhagic contusion with

- minimal Sub Arachnoid Hemorrhage.
- ii) Fracture Grade IV compound Tibia fibula
- iii) Fracture subtroch femur
- iv) Crush to great toe

16. In the column of surgery details, there is mention of Tibia IL nailing size 9 × 34 distal and prox locking done. Further, there is also mention of K-wire done for toe.

17. While doing business of Kirana, grocery shop, there may not be occasions of far walking. However, in doing work in farm use of foot is needed. However, it can be said that, to some extent i.e. he can do supervisory work in farming and directions to labours in doing agricultural operations.

18. Considering the functions that claimant was doing and the nature of the injuries, particularly that his one leg is severely affected; I hold that he met 70% permanent functional disability. Accordingly, I have given finding to issue no.2 in the affirmative.

**AS TO ISSUE NO.3 :**

19. It are facts of this case that claimant was on bicycle, respondent no.2 was driving motorcycle and dash was given from back. From these facts, it can be safely held that respondent no.1 has driven motorcycle in rash and negligent manner. Accordingly, I have given finding to issue no.3 in the affirmative.

**AS TO ISSUE NO.4 :**

20. Driving Licence of respondent no.2 Shrikant Mote is

at Exhibit 32. He was holding driving licence to drive motorcycle. Hence, I have given finding to Issue no.4 in the Affirmative.

**AS TO ISSUE NO.5 :**

21. Claimant hold 57 R land in village Wadala-Bahiroba. His Gat number is 112/2 and Account no. is 1287. For 1287 cotton crop is shown in year 2023-24; sugarcane crop is shown for year 2024-25.

22. There are no documents as far as his Kirana and grocery business is concerned.

23. In the petition, it is case of claimant that he was earning Rs. 20,000/- from Kirana, grocery shop and farming.

24. In his affidavit in-lieu of Examination-in-chief claimant has stated his date of birth as 22.03.1967. On the date of accident, thus, he was 55 years old.

25. Considering the age of claimant, he might have gained much experience in doing farming. Similarly, he might have earned fame and reputation in doing his Kirana and Grocery business. It will be proper to hold his notional income at the time of accident as ₹ 18,000/- per month. Yearly income of claimant will be ₹ 2,16,000. Adding Future Prospects i.e. 10% i.e. ₹ 21,600/-, the amount will be ₹ 2,37,600/- . Multiplier '11' will be applicable.  $₹ 2,37,600 \times 11 = ₹ 26,13,600$ . I have held

that, he met 70% disability. 70% of ₹ 26,13,600 = ₹ 18,29,520/-.

26. Claimant has filed bills of purchase of medicine and bills issued by hospital. The total amount of the bills is Rs. 3,95,780/-. Total amount of compensation will be as under:

Sr. No.	Particulars	Rs.
i)	Loss of Income	₹ 18, 29, 520/-
ii)	Hospital Charges, Surgery, Purchase of Medicine	₹ 03, 95,780/-
iii)	Future medicine, Conveyance	₹ 25,000/-
iv)	Special diets	₹ 05,000/-
	Total	₹ 22,55,300/-

27. Claimant is entitled for compensation amount of ₹ 22,55,300 from respondent nos. 1 to 3, jointly or severally. Accordingly, I have given my finding to Issue no. 5.

**AS TO ISSUE NO.6 :**

28. It will be proper to charge simple interest @ 9% per annum on the amount of compensation, for the period from the date of filing of the petition till realization. Accordingly, I have given my finding to Issue no. 6. Hence, I pass following order.

**:: ORDER ::**

- 1 Petition is allowed.
- 2 Respondent nos. 1, 2, 3 do jointly or severally pay compensation of ₹ 22,55,300/- [Rs. Twenty Two Lakhs Fifty Five Thousands Three Hundred only] to

claimant Balasaheb Patange with simple interest @ of 9% per annum from the date of filing of petition i.e. from 17.11.2022 till realization.

- 3 Claimant shall submit details of his Bank Account in this Tribunal so that respondents may directly transfer the amount to his Bank account.
- 4 If Respondents would deposit amount in this Tribunal, it be transferred in the Bank Account of claimant.
- 5 Claimant shall pay remaining Court Fees.
- 6 Award be drawn.

DATE : 17/03/2026

PLACE : NEWASA

(R. R.Hastekar)

Member, M.A.C.T., Newasa