

MHBI010012152023



Presented on :- 04/03/2023
Registered on :- 06/03/2023
Decided on :- 15/04/2026
Duration :- Yrs. Ms. Ds.
03 01 11

Exhibit No. 35 /A

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT BEED, DIST.
BEED.**

(Presided over by Shri. Anand L. Yawalkar, Chairman)

MACP No. 106 OF 2023

- 1] Poonam W/o. Ravikant Suryawanshi,
Age:- 28 yeas, occu:- Household, R/o.
Visapur, Tq. Shrigonda, Dist.
Ahmadnagar. At present Ashti, Tq. Ashti,
Dist. Beed.
- 2] Aditi D/o. Ravikant Suryawanshi, Age:-
06 years, u/g of claimant No.1.
- 3] Rajvir S/o. Ravikant Suryawanshi, Age:-
02 years, U/g claimant No.1.
- 4] Chandrakant S/o. Kondiram
Suryawanshi, Age:- 60 years, Occu:- Nil.
R/o. As above.
- 5] Jayanti W/o. Chandraknt Suryawanshi,
Age:- 55 years, occu:- Household, R/o.
As above.

...Claimants.

VERSUS

- 1] Bhaurao S/o. Kerba Walekar, Age:- 40
years, Occu:- Agril. R/o. Hanumantrao,
Tq. Ashti, Dist. Beed.

(2)

- 2] Dnyaneshwar S/o. Vikram Khandagale,
Age:- 50 years, Occu:- Agril. R/o. Shiral,
Tq. Ashti, Dist. Beed.
- 3] Magma General Insurance Co. Ltd., 1st
Floor, towards Eastern side of H.S.
Candy Center, (CTS No. 13000 &
130001), Jalna road, Aurangabad, Tq.
Dist. Aurangabad.

...Respondents.

Claim:- Under Section 166 of the Motor Vehicles Act.

Appearance :

=====

Learned Advocate Shri. H. G. Mahajan, for claimants.
Learned Advocate Shri. S. S. Mahajan, for respondents No.1 & 2.
Learned Advocate Shri. R. V. Deshmukh, for respondent No.3.

=====

JUDGMENT

(Delivered on 15th Day of April, 2026)

The claimants filed this petition is filed by claimants, under Section 166 of the Motor Vehicles Act, for grant of compensation for accidental death of Ravikant Chandrakant Suryawanshi in motor vehicular accident on 22/11/2022.

2. As per contention of claimants, on 07/11/2022 at about 9.30 p.m. deceased was proceeding alongwith his friend Bhausahab Kerba Walekar on motorcycle No. MH 23 BE 3588 on Ahmednagar-Visapur road. Said Bhausahab was riding the motorcycle and deceased was pillion. When they reached near Railway Gate petrol pump in Visapur village shivar, the motorcycle was in high and excessive speed. One dog came across due to which motorcycle rider lost his control and slipped motorcycle. Due to which deceased sustained grievous injuries. The deceased was shifted in private

Hospital at Visapur and thereafter was referred to Ahmednagar and was admitted in Anand Rushi Hospital Ahmadnagar but during treatment he died on 12/11/2022.

3. Claimants, submitted that one Sunita Shashikant Suryawanshi filed complaint with Police Station Belwandi, Tq. Shrigonda, Dist. Ahmednagar, and accordingly crime is registered against the motorcycle rider. Claimants, contended that deceased was 30 years of age at the time of accident. He was having Tempo and also holding valid driving licence. He was earning Rs. 6,00,000/- per annum from it. The deceased was also holding irrigated land and on all count claimed compensation of Rs. 50,00,000/-.

4. As per claimants, respondent No. 2 was owner of offending vehicle and respondent No.1 was riding it and it was validly insured with respondent No.3, hence all the respondents are jointly and severally liable to pay compensation to the claimants.

5. Respondent No.1 the rider of offending motorcycle appeared. He filed W.S. He submitted that, accident had not happened due to his negligence. He further submitted that, he was riding the motorcycle in slow and moderate speed and deceased was pillion rider and moved fastly on his seat therefore motorcycle slipped on the road. He further submitted that, he is holding valid and effective driving licence. He denied age and income of deceased and prayed to dismiss the claim petition.

6. Respondent No.2 owner of offending vehicle served with notice but did not appear. Hence petition proceeded ex-parte against respondent No.2.

7. Respondent No.3 Insurance Company appeared. They filed W.S. They denied that accident caused due to negligence of

(4)

respondent No.1. They submitted that, the rider of offending motorcycle was not holding valid and effective driving licence at the time of accident. They denied age and income of deceased and prayed to reject the claim petition.

8. In the light of rival pleading of parties to the proceeding, I have framed issues vide Exh. 12 and recorded my findings thereon for the reason stated therein below.

	<u>ISSUES</u>		<u>FINDINGS</u>
1]	Whether claimants prove that, one Ravikant Suryawanshi had met with motor vehicular accident involving motorcycle bearing Regd. No. MH 23 BE 3588 which occurred on 07/11/2022 ?	...	In affirmative.
2]	Whether claimants further prove that, aforesaid accident was held due to rash and negligent riding of offending motorcycle by its rider respondent No. 1. ?	...	In affirmative.
3]	Whether respondent No.3 proves that, rider of offending motorcycle was not holding valid and effective driving licence at the time of accident and it amounts to breach of policy ?	...	In negative.
4]	Whether claimants are entitled for getting compensation, if yes, to what extent and from whom ?	...	According to discussion.
5]	What order ?	...	As per final order.

REASONS

AS TO ISSUE No. 1 & 2 :-

9. Claimant No.1 adduced her evidence at Exh. 13. She reiterated the contentions of her pleading. In cross-examination she admitted that, news about accident was given to her by her husband's friend on 07/11/2022. She did not go to the spot.

Her husband was admitted at Anand Rushi Hospital. She did not inform police and complaint was filed by her sister-in-law Sunita Suryavanshi. She denied other adverse contentions.

10. Respondent No.1 adduced his evidence at Exh.30 and deposed that, on 07/11/2022 he was going on motorcycle bearing Regd. No. MH 23 BE 3588 and deceased was pillion rider. At around 9.30 p.m. on Nagar to Visapur road, his motorcycle slipped as a street dog came in middle. He and deceased fell down and deceased sustained head injury. Deceased was taken to Visapur and from there he was shifted to Nagar but he died during treatment. In his cross-examination he deposed that, after accident, crime was registered against him and charge-sheet was filed. 7 to 8 peoples had gathered after accident. They were not of his acquaintance. On the next day he had gone to Police station. His statement was recorded. He had signed it. Information about accident was given when he was in Hospital.

11. Upon considering the hearing, accident happened on 07/11/2022. Its complaint was given on 07/12/2022 with Police Station Belwandi wherein Crime No. 515/2022 was registered. After the accident, deceased was admitted at Anand Rushi Hospital and Research Center, Ahmednagar on 08/11/2022 at 1.00 a.m. On the same day, information was given to Ahmednagar Police station wherein it is mentioned that, accident happened near Visapur Railway bridge on 07/11/2022 at 10.00 p.m. Deceased fell down from running motorcycle and was admitted on 08/11/2022 at 1.00 a.m. The deceased died on 12/11/2022. Inquest panchnama is filed on record alongwith postmortem notes. As per it, deceased died due to head injury. Information about accident was received at Belwandi Police Station 12/11/2022 i.e. after five days of accident and after death of deceased on 12/11/2022 thereafter a case of Accidental Death No. 77/2022 was registered

(6)

u/sec. 174 of Cr.P.C. Spot panchnama was done on 08/12/2022. Statement of witnesses were recorded. Respondent No.1 admitted that, charge-sheet was filed against him after investigation. Also considering the MLC sent by Anand Rushi Hospital, Ahmednagar alongwith registration of case of A.D., on the basis of intimation given by Anand Rushi Hospital and evidence of respondent No.1, it corroborates the history stated with Anand Rushi Hospital which was recorded within five hours of accident shows that, deceased was involved in accident and died due to rash and negligent riding of offending motorcycle by respondent No.1. In the opinion of Court, claimants had succeeded in proving their case on the basis of preponderance of probability. Hence, I answer issue No.1 and 2 in affirmative.

As to issue No.3 :-

12. As per contention of respondent No.3 that, the rider of offending motorcycle i.e. respondent No. 1 was not holding valid and effective driving licence at the time of accident. Respondent No.1 filed his driving licence at Exh.21. No evidence is adduced by respondent Insurance Company to show that, driving licence was not valid or it was forged licence. They failed to discharge the burden. Hence, in absence of any contrary evidence on the part of Insurance Company, I answer issue No.3 in negative.

As to issue No.4 :-

13. Claimants are entitled for compensation on account of death of deceased caused in vehicular accident.

14. As per claimants, the deceased was having tempo and earning Rs. 6,00,000/- per annum. But no material is filed on record. Hence, notional income of Rs. 8,000/- is being considered. As per postmortem notes, deceased was 36 years of age at time of accident, hence multiplier 15 shall be applicable. As there are five dependents, 1/4th amount is deducted towards personal expenses of the deceased. As deceased was below 40 years of

age, 40% amount is added towards future prospect.

15. The claimants are also entitled for Rs.16,500/- towards loss of estate, Rs.16,500/- towards funeral and Rs.44,000/- towards loss of consortium. Thus, the claimants are entitled total compensation as under;

Sr. No.	Head	:-	Amount
	Pecuniary head:-		
1]	Monthly income	:-	Rs. 8,000/-
2]	Add 40% towards future prospects	(+)	Rs.3200/-
		=	Rs.11,200/-
3]	Less 1/4th towards personal expenses.	(-)	Rs.2800/-
			Rs.8,400/-
4]	Per annum income 8,400x12		Rs. 1,00,800/-
5]	Loss after applying multiplier, Rs.1,00,800x15 multiplier	:-	Rs.15,12,000/-
	Non pecuniary Head		
6]	Loss of estate	:-	Rs.16,500/-
7]	Consortium	:-	Rs.44,000/-
8]	Funeral expenses	:-	Rs.16,500/-
	Total	:-	Rs.15,89,000/-

16. The claimants are claiming interest at the rate of 12% per annum. However, the rate of interest so claimed is exorbitant. If interest is awarded at the rate of 7 % per annum for past and future then would be appropriate. In the light of discussion in

(8)

foregoing paras, I answer issue No. 4 as per discussion.

As to issue No.5 :-

17. Considering the findings given on issues No.1 to 4, I accordingly pass the following order;

ORDER

- 1] The petition is partly allowed with cost.
- 2] The respondents No.1 to 3 are directed to pay jointly and severally **Rs.15,89,000** /- (Rs. Fifteen Lakh Eighty Nine Thousand only) including 'NFL' amount, towards compensation regarding death of deceased caused in the accident under reference alongwith interest @ 7 % per annum, since from the date of petition till actual payment of aforesaid compensation amount.
- 3] Respondent No.3 Magma General Insurance Co. Ltd. is directed to deposit aforesaid amount as directed, in Bank Account No. **40780491353, State Bank of India, Branch Rajuri Vesh, Beed, Tq. Dist. Beed, IFSC Code No. SBIN0020028, in the name of Ex-Officio Member, M.A.C.T. Beed**, for further disbursement to claimants in respect of aforesaid award.
- 4] After depositing amount, an amount of Rs.2,00,000 (Two Lakh) be kept in fixed deposit in the name of claimant No.1 in Nationalized bank as per her choice for the period of five years;
- 5] An amount of Rs.4,00,000 (Four Lakh) each be kept in fixed deposit in the name of claimant No.2 and 3 in Nationalized bank as per choice of claimant No.1, till attaining their majority;

- 6] An amount of Rs.1,00,000 (One Lakh) each be paid to claimant No. 4 and 5 by RTGS;
- 7] Remaining amount alongwith interest accrued thereon be paid to claimant No.1 by RTGS;
- 8] Award be drawn accordingly after recovering deficit Court fees, if any.

Beed,
Dt.15/04/2026

(Anand L. Yawalkar)
CHAIRMAN
MOTOR ACCIDENT CLAIMS TRIBUNAL,
BEED.

Dictated on : 15/04/2026
Transcribed on : 15/04/2026
Checked & signed on : 15/04/2026

I affirm that the contents of this PDF file are word to word as per original Judgment / order.

Name of Steno : S.D. Kulkarni
Name of Court : Dist. & Sessions Court, Beed,

Sd/-
(S.D. Kulkarni)
Stenographer Grade-I