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Exhibit No. 82/A

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL &
DISTRICT JUDGE-1, AMBAJOGAI, DIST. BEED.**

(Presided over by: **Ajitkumar B. Bhasme, Ex-Officio Member of
the Motor Accident Claim Tribunal & District Judge-1,
Ambajogai.**)

**MOTOR ACCIDENT CLAIM PETITION NO. 47/2020
CNR MHBI04-000927-2020**

Ajay s/o. Vaijnath Jadhav, **Claimants**
age 32 years, Occ. Nil, R/o. Rwali
Phata, Tq. Parli Vaijnath, Dist.
Beed,

Versus

1. Syed Ibrahim s/o. Syed Kathalu, **Respondent**
age 35 years, Occ. Owner of **s**
vehicle, R/o. Kureshi nagar, Parli
Vaijnath, Dist. Beed,
2. Cholamandalam M.S. General
Insurance Company Ltd., Divisional
Office sho No.459/5A Govardhan
building, near railway station bus
stand road Parli Vaijnath, Dist.
Beed.

Claim : Petition u/s 166 of Motor Vehicles Act,
1988.

Advocates : Shri.D.V.Choudhari for claim petitioner.
Shri. V.S.Pande for respondent No.1,
Shri.U.B.Deogaonkar for respondent No.2.

JUDGMENT

(Delivered on 02.05.2026)

1. This is a petition for getting compensation under Section 166 of the Motor Vehicles Act, 1988.

2. In brief, facts of the claim petition are as follows;

The respondent No.1 is registered owner of vehicle tempo bearing [No.MH-18-AA-1108](#) (hereinafter referred as “offending tempo”) and respondent No.2 is the insurer of it. At the time of the accident, an insurance policy was in force. The petitioner is self employed and was running a company by name and style as Narayana Animal Feed Company at Rewali. On 01.06.2018 at or about 5.00 p.m. the petitioner was returning from his field by motorcycle bearing No. MH-20-AK-2481 in moderate speed by observing traffic rules by his correct side. He was holding a valid and effective driving licence. When he reached near the spot of accident i.e. Waka pati diversion situated on Beed to town Parli road, one Isher tempo coming from opposite direction in high speed and rash and negligent manner, hit his motorcycle and caused grievous injury to his right limb, palm, right ankle, shoulder and head. He was taken to Dr. Kale hospital at Parli Vaijnath and referred to Aurangabad for higher treatment. He remained as an indoor patient in Shradha Hospital Aurangabad during 02.06.2018 to 16.06.2018 and 01.08.2018 to 02.08.2018. He was also admitted in Advanced E & T and Multiplicity Hospital Aurangabad during 15.07.2019 to 17.07.2019. He is still availing medical

treatment. At the time of the accident, he was 23 years old, quite healthy and a hard worker. His family was dependent on his income. His father lodged a report at Sirsala police station. Police registered crime No.123/2018 for the offences punishable under section 279, 337, 338 and 427 of IPC. Therefore, this petition for compensation of Rs.49,90,521/-.

3. The respondent No.1 contested the claim by filing a written statement at Exh.16. He stated that his driver was holding an effective and valid driving licence at the time of accident. The said vehicle was insured with respondent No.2 and the insurance policy was in force and valid. The driver of the motorcycle i.e. petitioner drove the motorcycle in his possession in rash and negligent manner under the influence of liquor, hit to offending tempo. The petitioner has not sustained any permanent disability. If any compensation is awarded, be imposed on respondent No.2.

4. The respondent No.2 contested the petition by filing a written statement at Exh.17. The accident occurred due to rash and negligent driving of the petitioner. The driver of the offending vehicle was driving a motor vehicle in his possession with care and caution. The claim is not covered under the insurance policy. The company denied that the petitioner was earning Rs.21,337/- per month excluding expenses. Also denied that the petitioner sustained 24% permanent disability, but it was issued provisionally by the Swami Ramanand Teerth Medical College and Hospital Ambajogai. Additionally it is submitted that there is

contravention of all the terms and conditions of the insurance policy on the part of the owner of the offending vehicle. The injured person was not holding a valid and effective driving licence. The claimant is the owner and possessor of the motorcycle and therefore, he did not come within the meaning of third party and legally he is not entitled for compensation. The claimant is involved in an occurrence of the alleged accident and there is contributory negligence on the part of the claimant. The claimant did not suffer any permanent disability. Hence, prayed to dismiss the claim.

5. From the rival pleading of the parties, my learned predecessor framed issues on 07.07.2022. The petitioner led oral as well as documentary evidence. Heard the learned advocates for petitioner and respondents No.1 and 2. This Tribunal has recorded findings to each issue for the reasons mentioned thereunder.

ISSUES

FINDINGS

- | | |
|---|------------------------|
| 1. Whether petitioner proves that he ..
suffered injuries and permanent
disability in vehicular accident due to
rash and negligent driving and fault of
the driver of tempo bearing No.MH-18-
AA-1108? | In the
affirmative. |
| 2. Whether the respondent No.2 Insurance ..
Company proves the breach of terms
and conditions of insurance policy of
offending vehicle by the respondents
No.1? | In the
negative. |

- | | |
|---|-------------------------|
| 3. Whether claimant is entitled for .. compensation as claimed? | Yes, as per final order |
| 4. What Award and costs | As per final order. |

REASONS

AS TO ISSUE NO.1.

6. The petitioner Ajay filed his affidavit as examination in chief at Exh.22. He reiterated the contents in the petition. Therefore, this Tribunal is not going to reproduce the same. He relied on a certified copy of Form Com. AA at Exh.23, copy of FIR at Exh.24, statement of father of claimant under section 161 of Cr.P.C. i.e. report at Exh.24/A, copy of panchanama spot of incident at Exh.25, certified copy of RC Book of offending vehicle at Exh.26, certified copy of fitness certificate of offending vehicle at Exh.27, certified copy of certificate of goods permit of offending vehicle at Exh.28, road tax receipt of offending vehicle at Exh.29, certified copy of insurance policy of offending vehicle at Exh.30, certified copy of driving licence of driver of offending vehicle at Exh.31. He relied on a certified copy of his driving licence at Exh.45.

7. In cross-examination by learned advocate for respondent No.1 he denied that the accident happened on his own fault. He has not filed his driving licence. In cross-examination by learned advocate for respondent No.2 he stated that he is having a copy of his driving licence. He denied that the valid period of registration of his motorcycle was lapsed, therefore, he has not filed copies thereof. He denied that the accident occurred due to

his own fault.

8. The report of accident lodged by father of petitioner on 05.06.2018 (Exh.24), certified copy of panchanama of spot of incident (Exh.25). The spot of incident is situated within the limits of village Rewali phata at diversion. The width of tar road is 20 feet and there is a strip of 5 feet each on both sides of said tar road. The spot of incident is situated on Beed to Parli road at the left side. There was a motorcycle bearing No.MH-20-AK-2481 laying. The front bumper head light and chassis of said motorcycle was broken. There were blood stains on the spot of the incident. On perusal of FIR and spot panchanama, it shows that the accident in question occurred due to rash and negligent driving of offending tempo. Moreover, the respondent No.1 and 2 not seriously challenged facts of rash and negligent driving of tempo driver.

9. The learned advocate for respondent No.2 relied on the ratio laid down in **Vanita and others Vs. Shriram Insurance Company Ltd.and another, 2025(4) TAC 397 (SC)**, wherein the Hon'ble Apex Court has observed that there is gap of 26 days in date of accident and lodging of FIR and nothing was recorded about identity of vehicle in panchanama. The initial burden of factus of accident if not discharged by the claimant, then involvement of subject vehicle be set-aside.

10. He further relied on the ratio laid down in M/s. ICICI Lombard Insurance Company Ltd., Vs. Hajaratbee w/o. Abdul

Rajja and other 5, first appeal No.1366/2012, decided 20.06.201, wherein Hon'ble Bombay High Court has observed that "if claimants failed to prove involvement of offending vehicle in accident, then no liability can be fasten against driver and insurer of the vehicle". With due respect to the Hon'ble High Court, the ratio cited supra are not applicable to the present case.

11. As per petitioner Ajay, he has sustained 45% permanent disability. He relied on the copy of the disability certificate issued by the Medical Authority, District Hospital Beed. It is at Exh.36. While he also filed a disability certificate issued by SRTM Ambajogai at Exh.35. On perusal of it, he has sustained 24% permanent disablement. The petitioner has not examined any medical officer who has issued said certificate. The opportunity was not given to respondents to challenge the said certificate by cross-examining them. Therefore, his permanent disability is treated as 24%. The petitioner has filed his IT Returns at Exh.33 and 34. On perusal of certified copy of ITR for the assessment year 2018 to 2019 his gross total income was Rs.2,46,773/- per annum. While on perusal of copy of ITR return for assessment year 2019-2020 his annual income was Rs.2,65,314/-. It shows that there was an increase in his annual income. Therefore, at the time of accident his income was Rs.2,46,773/- per annum.

12. So as per this Tribunal the petitioner has proved that he has sustained permanent disability in the vehicular accident and the respondents No.1 has driven it in rash and negligent

manner and the accident is caused. The vehicle was insured with respondent No.2. So the respondent No.1 and 2 are liable to pay compensation. Therefore, this Tribunal records its finding to issue No.1 in the affirmative.

AS TO ISSUE NO.2.

13. As per respondent No.2, the driver of the offending vehicle i.e. respondent No.1 was not holding a valid and effective driving licence at the time of accident. Therefore, the owner of the offending vehicle has breached the terms and conditions of the insurance policy. The respondent No.2 has not adduced evidence showing that the driver of the offending vehicle was not having a valid and effective driving licence. Therefore, the contention of claimant that the driver of the offending vehicle was having valid and effective driving licence has gone unchallenged. Therefore, respondent No.2 failed to prove it. So there is no breach of terms or conditions of the insurance policy by respondent No.1 the owner of the offending vehicle. Accordingly the issue No.2 is answered in the negative.

AS TO ISSUE NO.3.

14. In order to prove the disability and income of the claimant, he examined himself at Exh.22 and reiterated the contents of the claim petition. It has come in his evidence that after the accident he was admitted firstly in Dr. Kale Hospital at Parli Vaijnath. Dr. Gaikwad after examining him was medically referred to Aurangabad. He was hospitalized in Shradha Hospital Aurangabad during 02.06.2018 to 16.06.2018 and 01.08.2018 to

02.08.2018. Thereafter, he was referred to Advanced E and T and Multiplicity Hospital at Aurangabad. He was an indoor patient from 15.07.2019 to 17.07.2019. Two fingers of his right limb were amputated. At the time of accident he was 32 years old and running Animal Feed Company and earning Rs.21,337/- per month excluding expenditure. Due to his permanent disability, his said company is closed. He has filed his IT returns from time to time. He relied on his IT Returns for the year 2018-2019 and 2019-2020 at Exh.33 and 34 respectively.

15. As discussed herein above, the permanent disability of the petitioner is taken as 24%.

16. The petitioner has filed on record his IT Returns at Exh.33 and 34. On perusal of certified copy of ITR for the assessment year 2018-2019, his gross total income was Rs.2,46,773/- per annum. While on perusal of copy of ITR return for assessment year 2019-2020 his annual income was Rs.2,65,314/-. It shows that there was an increase in his annual income after the accident. Therefore, at the time of accident his income was Rs.2,46,773/- per annum is taken into consideration. The petitioner has not mentioned whether he is married or not. Therefore, he is treated as unmarried. Therefore, one half of the deduction will be made to his annual income. It comes to Rs.1,23,386/-. At the time of accident the petitioner was 32 years old. Therefore, the multiplier of 16 is applicable. So if it is calculated as $\text{Rs.1,12,386/-} \times 16 = 19,74,176/-$. The claimant is self employed and therefore, the 40% future prospect will be

added. It comes to Rs.7,89,670/-. Total comes to Rs.27,63,846/-. As discussed above, his permanent disability is treated as 24%. Therefore, if it is again calculated, it comes to Rs.27,63,846/- x 24% = Rs.6,63,323/-. The claimant is entitled for the same.

17. In order to prove the hospital expenses and medicine charges, the petitioner examined himself and reiterated the same. In addition to it, he examined Dr. Anil Vaijnathrao Gawali as P.W.2 (Exh.48). He deposed that the petitioner had come to his Ganpati Hospital on 19 September, 2022. He was an indoor patient till 25.09.2022. During said period, surgery was done to his right limb. The cost of his medical treatment was Rs.92,000/-. Accordingly he issued a receipt which is at Exh.49. He relied on discharge certificate which is at Exh.52.

18. The petitioner further examined Subham Kailas Kute P.W.3 (Exh.53). He deposed that he has been running a pharmacy shop by name and style as Archid pharmacy which is connected with Ganpati Super Specialty Hospital Sambhajinagar. The petitioner has purchased various medicines from his shop during 20.09.2022 to 23.09.2022. Accordingly, he issued receipts. The said receipts are taken at Exh.54 to 59 of Rs.25,223/-.

19. The petitioner further examined Dr. Rahul Babasaheb Jawale P.W.4 (Exh.60). He deposed that the petitioner was admitted in his hospital on 02.06.2018. There was a fracture to his right arm and right limb was severely injured. His thumb and second finger of right limb were amputated. He was in hospital as

an indoor patient till 16.06.2018. He received expenditure of his treatment Rs.75,900/-. He verified documents concerned with the petitioner of his hospital which are collectively at Exh.63. Accordingly, he issued a receipt which is at Exh.64. He was again admitted on 01.08.2018 and after plastic surgery to recover the wound, discharged on 02.08.2018 and he received Rs.21,300/- for said treatment and issued accordingly receipt which is at Exh.65.

20. Vijay Ganesh Ghare P.W.5 (Exh.66) deposed that he has been working as an accountant and computer operator with Anand Medical Stores, Vishal nagar, Shradha hospital Chhtrapati Sambhajinagar. In 2018 one Shrikant Pagare was serving as a pharmacist. But prior to two years there was hemorrhage and he was operated on. Therefore, he is unable to travel long. Therefore, he is deposing for Shrikant Pagare. In 2018 petitioner had purchased medicine from Anand Medical Stores. Shrikant Pagare has signed on said receipts as pharmacist. The receipts at Sr.No.2 to 30 dated 28.06.2020, but the receipt at Sr.No.2 to 26 and 28 to 30 are of one bill bearing No.AM2870. The receipt at Sr.No.27 is a separate receipt having bill No.3075. Receipt No.31 and 32 are of two different bills bearing No.2870 and 3075. The bill number of receipt No.31 is 3074 and bill number of receipt No.32 is AM4358. The receipt No.2 to 26 and 28 to 31 are having bill No.AM2870. They are collectively exhibited as Exh.68. The bill No.3075 of receipt No.27 is exhibited as Exh.69. The bill No.3074 is of receipt of No.31 is exhibited as Exh.70. Bill No.AM4358 of receipt No.32. It is at Exh.71. The receipts No.34 to 38 are parts of bill No.4622. They are collectively at Exh.72. The same bear

signature of Shrikant Pagare. He knows his signatures.

21. The learned advocate for respondent No.1 and 2 have not seriously challenged medical bills and hospital bills and nothing has been brought on record by cross-examination. Therefore, the petitioner is entitled to hospital and medicine bills. Considering the evidence led by claimant, he has proved that, he has incurred Rs.92,000/- towards hospital bill of Ganpati Super Specialty Hospital Aurangabad and Rs.25,223/- towards medicine. Thereafter he incurred Rs.75,900/- towards hospital charges of Shradha Hospital and Critical Care Center Chhatrapati Sambhajinagar and Rs.21,300/- towards its medicine bill. Therefore, he is entitled for a medical bill of Rs.92,000/- + 75,900/- total Rs.1,68,800/-. He is also entitled for medicine bills of Rs.25,223/- + 21,300/- = total Rs.46,523/-.

22. The learned advocate for petitioner rightly relied on the ratio laid down in **Anno Maheshwari Vs. Oriental Insurance Company Ltd., and Ors. 2025 Gojuris (SC) 970**, wherein the Hon'ble Apex Court observed that "all genuine medical expenses with vouchers must be compensated fully and future prospective expenses reasonable estimated and awarded.

23. Thereafter, the Tribunal comes to decide the charges of pain and suffering. The claimant was admitted in hospital for about 20 days without his negligence and fault. He had to suffer much more by facing amputation to his fingers and to be compulsorily at home and to suffer permanent disability forever.

Therefore, he is entitled for Rs.15,000/- under said head.

24. The claimant suffered severe injuries and was admitted to various hospitals. Therefore, he is entitled for a special diet of Rs.15,000/-.

25. Thus, after considering the case, Tribunal could come to conclusion that, the Claimant is overall entitled as follows;

Sr.No.	Description		Compensation
1	Hospitalization and treatment charges	:	Rs.1,68,800/-
2.	Medicines	:	Rs.46,523/-
3	Loss of future earnings due to permanent disability.	:	Rs.6,63,323/-
4	Pain and suffering expenses	:	Rs.15,000/-
5	Special diet		Rs.15,000/-
	Total	:	Rs.9,08,649/-

26. In addition to this, Claimant is entitled for the interest at the rate of 7% per annum on the aforesaid amount from the date of accident till the Award and till realization of the entire amount. Thus, the Tribunal records such findings to this issue and passes the following order.

ORDER

1. The claim petition No.47/2020 is partly allowed with proportionate costs.

2. The petitioner Ajay s/o. Vaijnath Jadhav is entitled to compensation of Rs.9,08,649/- (Rs.Nine Lakhs Eight Thousand Six Hundred Forty Nine) including no fault liability if any.
3. Respondents No.1 and 2 are jointly and severally ordered to pay above said amount of compensation to the petitioner with simple interest at the rate of 7% per annum from the date of petition till its realization and an amount be paid by way of account payee cheque, demand draft or electronic transfer.
4. The petitioner shall pay the requisite proportionate court fees in the form of stamp in the valuation of the award if any, before payment of compensation to him, if not already paid.
5. After aforesaid compliance, Award be drawn up accordingly.

Date :- 02.05.2026.

[Ajitkumar B. Bhasme]
Ex-Officio Member of the Motor Accident
Claim Tribunal & District Judge-1,
Ambajogai.

CERTIFICATE

“I affirm that all the contents of this PDF file are word to word as per original judgment/order”.

Dictated on : 02.05.2026,
Transcribed on : 02.05.2026,
Checked & Signed on : 02.05.2026

Date : 02.05.2026

A.S.PANHALE
STENOGRAPHER GR-1