



Received on : 24.03.2021
Registered on : 05.04.2021
Decided on : 10.03.2026
Duration : 4 years, 11 months & 5 days.

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BULDANA,

AT BULDANA.

(Presided over by R. N. Rokade, Member, M.A.C.T., Buldana)

Motor Accident Claim Petition No.30 of 2021.

(CNR : MHBU010004422021)

Exhibit No. _____.

Maharashtra State Road Transport Corporation Ltd.,

Through - It's Divisional Controller, Buldana,

Tq. and Dist. Buldana.

... Claimant.

Versus

1) Sangita Vinod Dhusia,

Aged 45 years, Occu. : Truck owner,

R/o At Kanhan, Parsioni, Nagpur,

Dist. Nagpur, Kanan Pipri, Maharashtra.

2) The New India Assurance Co. Ltd.,

Through - It's Branch/Divisional Manager,

Branch : Malkapur,

Tq. Malkapur, Dist. Buldana.

... Opponents.

Appearances :

Mr. V.B. Tayade, Advocate for the claimant,

Claim petition proceeded ex-parte against opponent No.1,

Mr. D.S. Chavan, Advocate for opponent No.2.

J U D G M E N T

(Delivered on this 10th day of March, 2026)

1] This is a petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act' for short) for award of compensation for the damage sustained by the S.T. Bus in a motor vehicular accident.

2] Shorn of unnecessary details, the material averments in the petition may be stated as follows :-

The claimant is the Maharashtra State Road Transport Corporation, which is the registered owner of State Transport Bus bearing registration No. MH-40-Y-5902. On 26.02.2018, the above numbered Bus was plying on the Shirdi to Shegaon Road. When the said S.T. Bus reached near Puntamba square, it's driver was driving the said Bus on the extreme left side of the road and at a moderate speed, cautiously and in observance of traffic rules. A truck bearing registration No. MH-40-AK-5705, owned by opponent No.1 and insured with opponent No.2, came at a high speed in a rash and negligent manner. The driver of the said truck lost control over of the vehicle and dashed forcefully into the S.T. Bus from the driver side. As a result of the impact, the above numbered S.T. Bus was badly damaged. The accident occurred due to the sole negligence of the driver of the above numbered truck. A crime was registered against the driver of the truck at Kopargaon City Police Station. Due to the impact, the above numbered S.T. Bus suffered extensive damage. Hence, the present claim has been filed for the award of compensation under various heads.

3] Despite service of notice, opponent No.1 did not appear. Hence, the claim petition proceeded ex-parte against her.

4] Opponent No. 2 resisted the petition by filing a written statement (Exh.13). All the material averments in the petition which are adverse to the interest of opponent No.2 are stoutly denied. It is submitted that the damages were caused solely due to the rash and negligent act on the part of the driver of above numbered S.T. Bus. The mode and manner of the accident are put in contest. In the event of proof of insurance of the above numbered truck with opponent No.2, the liability of opponent No.2 is stated to be subject to the terms and conditions of the contract of the insurance. The driver of the said truck was not holding a valid and effective driving licence and that the vehicle did not possess a valid permit and fitness certificate at the time of accident. Therefore, opponent No.1 is not liable to indemnify the insured. The claim is stated to be excessive, unreasonable and without any actual basis of damage. On these and other grounds, opponent No.2 has prayed for dismissal of the claim.

5] In the light of rival pleadings, issues were settled at Exh.14. I have reproduced those issues with my findings against each of them for the reasons to follow -

Issues	Findings
1. Does claimant prove that S.T. Bus : bearing registration No. MH-40-Y-5902 sustained damages in a vehicular accident, which took place on 26-02-2018 near Puntamba square, within the jurisdiction of Police Station, Kopergaon City ?	... Partly in the affirmative.

2. Does claimant prove that the accident :
occurred due to rash and negligent
driving by the driver of Truck bearing
registration No. MH-40-AK-5705 and by
giving dash to the above-said S.T. Bus ? ... Yes.
3. Does opponent No.2 prove that the :
damages were caused only due to rash
and negligent act on the part of driver
of M.S.R.T.C. ? ... No.
4. Whether claimant is entitled to get :
compensation towards damages ? ... Yes,
If yes, to what extent and from Rs.29,500/- from
whom ? opponent Nos.1 and 2
jointly and severally.
5. What order and award ? : ... As per final
order.

REASONS

6] In order to substantiate the averments made in the petition, C.W.1 Akshay Ravindra Wankhede, Traffic Inspector in the Divisional Office, Buldana, entered the witness box. The claimant has also produced several documents, including the true copies of the investigation papers and the original copies of the details of vehicle costing and vouchers, for the perusal of the Tribunal. In rebuttal, opponent No.2 did not lead any evidence.

7] At the outset, it is necessary to refer the undisputed facts. The fact that the claimant was the registered owner of the S.T. Bus bearing No. MH-40-Y-5902 has not been seriously assailed. There is no much controversy over the facts that the offending truck bearing No. MH-40-AK-5705 was owned by opponent No.1 and it was insured with opponent No.2 at the time of accident. It is rather incontestable that

the contract of insurance was valid and subsisting at the time of accident. The controversy between the parties, however, revolves around the aspect of negligence which contributed to the accident, the aspect of damage caused to the S.T. Bus and the entitlement of the claimant for compensation and its quantum.

As to Issue Nos.1 to 3 :

8] In the substantive evidence, C.W.1 Akshay Ravindra Wankhede affirmed that on 26.02.2018, the S.T. Bus bearing No. MH-40-Y-5902 was proceeding from Shirdi to Shegaon. The driver of the Bus was driving it at a moderate speed and on the extreme left side of the road while observing the traffic rules. When the S.T. Bus reached near Puntamba square within the jurisdiction of Kopergaon City Police Station, a truck bearing No. MH-40-AK-5705 came at a high speed and violently dashed against the S.T. Bus. Due to the impact, the S.T. Bus sustained damage to the front windshield, the front wheel and the front portion of right side of the Bus. Mushtaq Shaukat Hussain, who was driving the S.T. Bus No. MH-40-Y-5902, lodged a report at Kopergaon City Police Station against the driver of the above numbered truck. Thus, in the evidence of C.W.1 Akshay Ravindra Wankhede, true copies of the Certificate of Registration of Truck (Exh.22), Insurance Policy of the Truck (Exh.23), Printed F.I.R (Exh.24), Spot panchanama of the accident (Exh.25), Letter/Note-sheet dated 19.07.2018 (Exh.26), Accident Vehicle Costing of the Bus (Exh.27) and Issue Voucher (Exh.28), were produced and proved.

9] During the course of cross-examination, it was elicited that the accident occurred on 26.02.2018 and he had not personally lodged the report regarding the accident. He admitted that an enquiry

was conducted with the driver of the S.T. Bus in respect of the accident. He further admitted that the enquiry report has not been produced on record. He fairly conceded that the total amount spent for repair of the S.T. Bus is Rs.22,005/- only. He also admitted that no documentary evidence has been produced regarding the idle charges of the S.T. Bus.

10] In the backdrop of the aforesaid evidence, the claim of C.W.1 Akshay Ravindra Wankhede finds support in the true copy of the F.I.R. (Exh.24) and the spot panchanama of the accident (Exh.25). These documents reveal that a collision occurred between the S.T. Bus bearing No. MH-40-Y-5902 and the truck bearing No. MH-40-AK-5702. The spot panchanama of the accident (Exh.25) records the fact that the S.T. Bus had suffered damage to the tune of Rs.15,000/- to Rs.20,000/- approximately.

11] This leads me to the aspect of negligence which led to the accident. The learned Advocate for opponent No.2 strenuously submitted that from the manner in which the accident had occurred, it becomes abundantly clear that the driver of S.T. Bus was solely responsible for the accident or, in any way, majorly contributed to the accident. Thus, the negligence on the part of the S.T. Bus driver is writ large.

12] In opposition to this, the learned Advocate for the claimant contended that since an offence has been registered against the driver of the offending truck for rash and negligent driving, the gratuitous defence of contributory negligence cannot be accepted.

13] To bolster up this submission, reliance is placed upon the ruling of Hon'ble Delhi High Court in the case of **National Insurance Company vs. Pushpa Rana and others, reported in 2009 ACJ 287**, wherein it was enunciated that the documents scribed during the course of investigation are sufficient proof to reach the conclusion that the driver was negligent and the proceedings under the Motor Vehicles Act are not akin to a proceeding in a civil suit and hence, strict rules of evidence are not required to be followed in this regard.

14] Reliance is also placed on the ruling of the Hon'ble Supreme Court in the case of **Meera Devi and others vs. H.R.T.C. and others, reported in 2014 ACJ 1012**, wherein it has been observed that to prove contributory negligence, there must be cogent evidence. In absence of any cogent evidence to prove plea of contributory negligence, the said doctrine of common law cannot be applied in the case.

15] There can be no dispute about the broad proposition that negligence has to be established on the touchstone of the preponderance of the probability, which requires a lesser degree of proof.

16] In the light of the aforesaid exposition of law, reverting to the facts of the case, the situation at the spot of accident delineated in the spot panchanama of the accident (Exh.25) assists the Tribunal in arriving at a legitimate conclusion. On perusal of the spot panchanama of the accident (Exh.25), it is seen that the accident occurred on the middle of Puntamba square at Kopargaon, on the Shirdi to Shegaon Road. Admittedly, the above numbered S.T. Bus was proceeding

towards Shegaon, whereas the above numbered truck was on it's way to Nashik from Aurangabad. It was a highway. The width of the road at the place of accident was such that had the driver of the offending truck been attentive, the impact could have been averted. The S.T. Bus suffered extensive damage in the collision.

17] At this juncture, a profitable reference can be made to the Rules of Road Regulations, 1989, especially Regulation No.2 which mandates that the driver of a motor vehicle shall drive the vehicle as close to the left side of the road as may be expedient and shall allow all traffic which is proceeding in the opposite direction to pass on his right hand side. There is no evidence on record to show that the driver of the above numbered truck was proceeding from the extreme left side of the road.

18] It is pertinent to note that an offence has been registered against the driver of the offending truck for rash and negligent driving. In contrast, there is no evidence on oath which counters the claim of the claimant and competes in probability with that of the claimant. Evidently, no other vehicle was even remotely involved in the accident. Hence, I impelled to hold that the accident had occurred due to the sole negligence on the part of the driver of truck bearing No. MH-40-AK-5705 by giving a violent dash to the S.T. Bus bearing No. MH-40-Y-5902. Issue Nos.1 to 3 are, thus, answered accordingly.

As to Issue Nos.4 & 5 :

19] In view of findings on issue Nos.1 to 3, the claimant being the owner of above numbered S.T. Bus, which was damaged in the vehicular accident, is entitled to claim the compensation.

20] In order to prove that the above numbered S.T. Bus suffered damages in a vehicular accident, the testimony of C.W.1 Akshay Ravindra Wankhede has been pressed into the service. C.W.1 Akshay Wankhede has put oath behind the assertion that the claimant incurred an expenses of Rs.22,005/- towards repair of the Bus. He also admitted that no evidence has been produced in respect of the idle charges of the Bus. In his evidence, the details of costing (Exh.27) and voucher (Exh.28) came to be proved.

21] At this juncture, the learned Advocate for opponent No.2 strenuously submitted that both the documents do not deserve to be taken into consideration as the concerned signatories have not been examined by the claimant. It may be sufficient to note that having regard to the nature of the proceeding, object of the Act and the nature of the claim in question, in my view, the failure to examine the concerned signatories does not distract materially from the claim of the claimant. The details of costing (Exh.27) indicates that the claimant incurred an amount of Rs.21,684/- towards labour cost. As per issue voucher (Exh.28), the claimant incurred an amount of Rs.321/- towards material cost. Nothing material could be elicited during the course of cross-examination of C.W.1 Akshay Wankhede to discard his version regarding the expenses incurred to make the Bus roadworthy. Having regard to the damage suffered by the S.T. Bus, which was delineated in the spot panchanama of the accident (Exh.25), the expenses of Rs.22,005/- for the repairs of the S.T. Bus cannot be said to be unreasonable or excessive.

22] The claimant has claimed Rs.1,00,000/- inclusive of the

idle charges. However, the claimant did not take any pains to prove the idle charge by leading cogent and convincing evidence. No details has been provided by the claimant. Therefore, the claim for idle charges of Rs.48,477/- appears to be on a higher side. Though the claimant has not produced documentary evidence to prove the exact period for which the Bus remained idle, it cannot be overlooked that the vehicle remained off the road during the repair period. Considering the nature of the vehicle and adopting a reasonable approach, a sum of Rs.7,500/- towards idle charges would meet the ends of justice.

23] The claimant is, thus, entitled to compensation under the following heads -

	Amount in Rupees
Material cost	321/-
Labour charges	21,684/-
Idle charges	7,500/-
Total	29,505/-
ROUNDED OFF	29,500/-

24] Now the pivotal question regarding liability to pay the compensation. As stated above, the accident took place due to absolute negligence on the part of the driver of truck bearing No. MH-40-AK-5705, owned by opponent No.1 and insured with opponent No.2. Moreover, opponent No.2 failed to adduce any material on record to prove breach of contract of insurance, if any. Thus, the liability of opponent Nos.1 and 2, being the owner and insurer of above numbered truck to pay the compensation, cannot be gainsaid. Therefore, I am inclined to hold that opponent Nos.1 and 2 jointly and

severally are liable to pay the aforesaid amount of compensation.
Hence, I answer issue Nos.4 and 5 accordingly.

25] In view of aforesaid findings, I am inclined to pass the following order -

ORDER

- 1} Claim petition stands partly allowed with proportionate costs.
- 2} Opponent Nos.1 and 2 do jointly and severally pay a sum of Rs.29,500/- [Rupees Twenty nine thousand and five hundred only] to the claimant with interest @ 7.5% p.a. from the date of petition.
- 3} On realization, entire amount of compensation be paid to the claimant by account payee cheque, on due identification and verification.
- 4} Award be drawn accordingly.

Date : 10.03.2026.

(**R. N. Rokade**)
Member, M.A.C.T., Buldana.

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CERTIFICATE

“I affirm that, the contents of this PDF file judgment are same word for word as per original judgment.”

Name of Steno	D.V. Gaiki, Stenographer (Grade - I)
Name of Court	Member, Motor Accident Claims Tribunal, Buldana.
Date of Judgment/Order	10-03-2026.
Dictated on	10-03-2026.
Transcribed on	11-03-2026.
Checked and signed on	13-03-2026.
Uploaded on	16-03-2026.

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