

CNR : MHDH010008472024



Received on : 21.02.2024

Registered on : 22.02.2024

Decided on : 10.08.2026

Duration : 02-Y. 05-M. 18-D.

**BEFORE THE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL,
DHULE, AT : DHULE.**

(Presided over by G. B. Gurao, Member, MACT, Dhule)

Motor Accident Claim Petition No.110/2024

Exh. 30 / A

- (1) Shital Santosh Ahire,
Age : 42 Years, Occupation : Nil.
- (2) Harsh Santoshbhai Ahire,
Age : 17 Years, Occupation : Education.
- (3) Nilam Santosh Ahire,
Age : 15 Years, Occupation : Education.

(Applicant Nos.1 and 2 being minor, Through
– Natural Guardian mother Applicant No.1).

- (4) Pratibha Himmat Ahire,
Age : 61 Years, Occupation : Nil.
- (5) Himmat Bhivsan Ahire,
Age : 77 Years, Occupation : Nil.

All R/o.: At Chhavadi, Post Fofare,
Taluka and District Dhule.

- (6) Vidya Kishor Mahale,
Age : 20 Years, Occupation : Nil,
R/o.: At Post Chaugaon, Taluka District Dhule
At present : At Chhavadi, Post Fofare,
Taluka and District Dhule.

-- Applicants

- (1) Kisan Nana Malche,
Age : 33 years, Occupation : Driver,
R/o.: At Malangaon, Post Khanbari,
Taluka Sakri, District Dhule.
- (2) Dhanraj Shankar Wagh,
Age : Adult, Occupation : Vehicle Owner,
R/o.: At Post Vehergaon, Taluka Sakri,
District Dhule.
- (3) The New India Assurance Company Ltd.,
Second Floor, Yashowallabh Complex,
Opposite Dhule Municipal Corporation,
Dhule, District Dhule.

-- Respondents

Claim under Section 166 of the Motor Vehicles Act, 1988.

Appearance : Mr. S. B. Deore, Advocate for Applicants.
Ex Parte against Respondent Nos.1 and 2.
Mr. Y. S. Bhalerao, Advocate for Respondent No.3.

J U D G M E N T

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

(1) This is an application filed by the legal heirs of deceased Santosh Ahire for compensation under Section 166 of the Motor Vehicles Act, 1988.

(2) Facts in brief are as under ;

Applicant No.1 is the widow, applicant No.2 is the son, applicant No.3 is the daughter, applicant No.6 is the married daughter and applicant Nos.4 and 5 are the parents of deceased Santosh Ahire. They reside at Chhavadi, Taluka Sakri. On 23.01.2024 around 6:00 to 6:30 a.m., Santosh Ahire was taking morning-walk on Chhavadi to Lamkani road. He was walking to his correct side on the road. While walking near the field of

Baliram Platil, Indica Car No. MH-18/W-1761 came behind him. The driver of the Indica car drove the car in high speed and without noticing the condition of the road and gave dash to Santosh. Santosh was taken at Civil Hospital, Dhule. There, doctor examined him and declared as brought dead. The inquest panchanama was prepared. At the relevant time, respondent No.1 was driver of the offending car. Crime No. 28/2024 for the offence punishable under Sections 304-A, 279, 337, 338 of the Indian Penal Code and Sections 184, 134/177 of the Motor Vehicles Act was registered against him at police station Nizampur, Taluka Sakri. Police carried the investigation. In the investigation, it is resulted that respondent No.1 drove the car in a rash and negligent manner, gave dash to Santosh and caused his death. Police filed charge-sheet against respondent No.1 in the Court of learned Judicial Magistrate, First Class.

(3) At the time of accident, the deceased was 40 years old. He was strong and stout. He was running hair-cutting saloon at his village. He was earning Rs.15,000/- per month. Applicants were depend on the income of deceased. At the relevant time, respondent No.1 was driving the offending vehicle. Respondent No.2 was the owner of said vehicle and the same was insured with respondent No.3. Therefore, applicants prayed to grant compensation of Rs.20,00,000/- with interest @ 18% p.a. from respondents.

(4) Notices served to respondents. Respondent Nos.1 and 2 did not appear. Hence, application is proceeded ex parte against them.

(5) Respondent No.3 filed written-statement at Exh.15. Respondent No.3 denied the age and income of the deceased. Respondent No.3 denied that accident is caused due to rash and negligent driving by respondent No.1. Respondent denied that applicants were depend on the income of deceased.

(6) According to respondent No.3, the respondent No.1 was driving the car in a moderate speed by observing traffic rules. However, the deceased all of a sudden came on the road and thus, the accident is caused due to the fault of the deceased. Further, at the relevant time, respondent No.1 was not having valid and effective driving licence and therefore, there is breach of terms and conditions of policy. Respondent No.3 prayed to dismiss the application.

(7) From the rival contentions, my learned predecessor framed issues at Exh.16. I record my findings against them for the reasons given below :

<u>No.</u>	<u>Issues</u>	<u>Findings</u>
(1)	Whether applicants prove that the accident causing death of deceased Santosh Himmat Ahire occurred due to rash and negligent driving of offending vehicle i.e. Indica Car bearing registration No. MH-18-W-1761 which was driven by respondent No.1 ?	In the affirmative.
(2)	Whether petitioners prove that, the said accident is the root cause for the death of deceased Santosh Himmat Ahire ?	In the affirmative.
(3)	Whether the respondent No.3 proves that there is breach of terms and conditions of insurance policy ?	In the negative.
(4)	Whether petitioners are entitled to compensation from the respondents ? If yes, to what extent and from whom ?	Yes, As per final order.
(5)	What relief and order ?	: As per final order.

(8) To prove their claim, applicants examined applicant No.1 Shital Ahire as AW-1 (Exh.17). Applicants produced the documentary evidence. Whereas, respondent No.3 did not adduce oral and documentary evidence.

(9) I have heard Mr. S. B. Deore, Advocate for applicants and Mr. Y. S. Bhalerao, Advocate for respondent No.3.

REASONS

AS TO ISSUE Nos.1 TO 4 :

(10) All these points are interlinked with each other, hence, they are taken together for discussion.

(11) Shital Ahire (AW-1) has deposed that on 23.01.2024 her husband had gone for morning walk on Chhavadi to Lamkani road. Around 6:00 to 6:30 a.m., near the field of Baliram Patil, Indica car No. MH-18-W-1761 came in high speed behind him. The driver of the car did not notice the condition of the road and gave dash to her husband behind me. Her husband was taken at Civil Hospital and there Medical Officer declared him as brought dead. The inquest panchanama was prepared. Crime No. 28/2024 was registered against respondent No.1 and police filed charge-sheet against him. In her cross-examination, she stated that when incident took place, she was at her house. She has not seen the incident. She denied that the accident was not occurred due to fault of respondent No.1. She denied that her husband all of sudden came on the road and the dash was sustained to him. She denied that respondent No.1 was not responsible for the accident.

(12) After the incident, Himmat Ahire, the father of the deceased, lodged report in the police station. The report is at Exh.18. Police prepared spot panchanama at Exh.19. The spot panchanama depicts the scene of the spot and it appears that the deceased was going by his correct side of the road and respondent No.1 came behind him and gave dash by car to him. Inquest panchanama is at Exh.20 and the postmortem examination report is

at Exh.21. In the postmortem examination report, cause of death is mentioned as "Injuries to vital organs".

(13) It is to be noted that after the registration of crime, police investigated the same and filed charge-sheet against respondent No.1. The oral evidence of applicant No.1 Shital Ahire and the police-papers show that respondent No.1 drove the car in a rash and negligent manner, gave dash to deceased behind him and caused his death.

(14) Shital Ahire (AW-1) further deposed that her husband was 40 years old at the time of accident. He was running hair-cutting saloon in the village. He was strong and stout. He was earning Rs.15,000/- per month. She and other applicants were depend on his income. In her cross-examination, she stated that her husband was not paying Income-Tax and Profession Tax. She further stated that applicant No.6 is now married and she resides at her matrimonial home. She denied that her parents-in-law reside separate in the village and they do agriculture.

(15) From the evidence of applicants, I find that the deceased was running hair-cutting shop in the village. According to applicants, he was earning Rs.15,000/- per month. However, applicants did not file any cogent evidence to show the income of the deceased. Considering the nature of work of deceased, I find that deceased was earning Rs.10,000/- per month. Applicants produced the Aadhar Card of the deceased. As per Aadhar Card, his date of birth is 01.01.1980. The incident occurred on 23.01.2024. Thus, at the relevant time, the deceased was 44 years old.

(16) I held that deceased was earning Rs.10,000/- per month i.e. Rs.1,20,000/- per annum. Admittedly, the applicant No.6 is married and therefore she is not dependent on the deceased. Applicant No.1 is wife,

applicant Nos.2 and 3 are children and applicant Nos.4 and 5 are parents of deceased. They were depend on the income of deceased. Therefore, considering the number of dependents, the deceased was spending 1/4 of his income i.e. Rs.30,000/- for his personal living and expenses and he was spending Rs.90,000/- per annum on applicants. In view of the ratio laid down in **Sarla Verma -v/s- Delhi Transport Corp., 2009 (2) T.A.C., 677 (SC)**, the applicable multiplier according to the age of deceased is '14'. Thus, if the amount multiplicand of Rs.90,000/- is multiplied by 14, then amount of loss of dependency comes to Rs.12,60,000/-. Further, in view of ratio laid down in **National Insurance Company Limited -v/s- Pranay Sethi and Others, 2017 (4) T.A.C. 673 (S.C.)**, the deceased was self employed and considering his age, he had future prospects. Hence, the applicants are entitled to 25% i.e. amount of Rs.3,15,000/- towards future prospects. Applicants are also entitled to Rs.70,000/- towards loss of consortium, loss of estate and funeral expenses. Thus, applicants in all entitled to Rs.16,45,000/- as a compensation.

(17) Exh.23 is the insurance policy of the offending vehicle and Exh.24 is the copy of driving licence of respondent No.1. Thus, at the relevant time, respondent No.1 was holding valid and effective driving licence. Therefore, respondent Nos.1 to 3 are jointly and severally liable to pay compensation as aforesaid to the applicants with interest @ 7% per annum from the filing of application till realization of the amount. I answer the issues accordingly and pass the following order ;

ORDER

- 1) The application is partly allowed.
- 2) Respondent Nos.1 to 3 do jointly and severally pay an amount Rs.16,45,000/- (Rupees Sixteen Lakh, Forty-Five Thousand only)

towards compensation to the applicants, with interest at the rate of 7% p.a. from the date of application till the realization of the compensation amount.

- 3) As per the directions of The Hon'ble Supreme Court in Writ Petition (Civil) No. 534/2020 dated 16.03.2021 and the judgment of Hon'ble Madras High Court in Civil Misc. Appeal No. 428/2016, the respondents are hereby directed to deposit the above said awarded amount in the following saving bank account of this Tribunal ;

- i) Name of Account : THE MEMBER, MOTOR
ACCIDENT CLAIMS TRIBUNAL,
DHULE.
- ii) Bank Name : State Bank of India, Treasury
Branch, Dhule.
- iii) Type Account : Savings Account.
- iv) Account No. : 40709171826.
- v) IFSC Code : SBIN0008254.
- vi) MICR Code : 424002955.

- 4) After making such deposit, the respondents shall also send a copy of the payment advice in the prescribed format as provided, to this Tribunal and also serve its copy on the applicants.

- 5) Applicants to furnish following individual details on separate sheets along with the photocopy of first page of their bank passbook containing photograph of the applicants and PAN Card, (if any) ;

- (i) Full name of the applicants with current address.

- (ii) Name of the Bank & Branch.
 - (iii) Bank IFSC Code.
 - (iv) Bank Account Number of applicants.
- 6) Applicants to remain present in person for their personal verification at the time of furnishing the above said information.
- 7) On depositing the entire compensation amount in the Tribunal, the amount of Rs.2,50,000/- each be paid to the applicant Nos.2 and 3, the amount of Rs.2,00,000/- each be paid to the applicant Nos.4 and 5 and the remaining amount of Rs.7,45,000/- be paid to the applicant No.1, by transferring the same in their bank account, as per the directions of the Hon'ble Supreme Court of India in Writ Petition Civil No. 534/2020.
- 8) The entire compensation amount coming to the share of minor applicant No.3, be invested in fixed deposit in her name in any Nationalized Bank by showing applicant No.1 as her natural guardian, till she attains the age of majority.
- 9) Requisite / deficit / unpaid Court Fees, if any, be paid forthwith.
- 10) Award be drawn up accordingly.

Dhule.

Date : 10.08.2026.

(G. B. Gurao)

Member,

Motor Accident Claim Tribunal, Dhule.

Certificate

I certify that the contents of this PDF file is word to word as per original Judgment.

Name of the Steno : I. S. Ansari
Name of the Court : District Judge-1 & Member, M.A.C.T. Dhule.
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