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**IN THE COURT OF EX-OFFICIO MEMBER, MOTOR ACCIDENT CLAIMS
TRIBUNAL, LATUR**

(Presided over by Vidyadhar S. More)

Motor Accident Claim Petition No. 11/2020

Exh. No.75

- 1) Vijay s/o Rambhau Sontakke,
Age: 25 years, Occu : Education,
- 2) Smt. Fulabai w/o Maruti Sontakke,
Age: 65 years, Occ: Household,
Both R/o. Pimpalgaon (Amba), (**Deleted**)
Tq & Dist. Latur.
- 3) Mukta w/o Rambhau Sontakke,
Age: 26 months, Occ: Household,
- 4) Khushi d/o Rambhau Sontakke,
Age: 03 years, Occ: Nil,
(Claimant No.4 being minor under
guardianship of her natural mother
claimant No.3 Mukta w/o Rambhau
Sontakke.
Both R/o. Pimpalgaon (Amba),
Tq & Dist. Latur.

...Claimants.

V/s.

- 1) Satish s/o Baburao Mane,
Age: 42 years, Occ: Driver cum owner,
R/o. At post 2506, Kalki, Kedereshwar
Road, At Koregaon, Tq. Koregaon,
District Satara.
(Owner cum driver of Truck
No.MH-11-AL-546)

2) Shriram General Insurance Co. Ltd.
Through its Manager,
Office No. 327, 3rd Floor, A Wing
Jai Ganesh Vision, Akurdi Chowk,
(Khandoba Mall)
Old Pune – Mumbai Highway
Akurdi, Pune.

... Respondents.

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Claim : Petition under Section 166 of the Motor Vehicles Act.

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Appearance

Mr. S.N. Shinde, Advocate for Claimants,
Mr. S.V. Jadhav, Advocate for Respondent No.1,
Mr. S.G. Diwan, Advocate for Respondent No.2,

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J U D G M E N T

[Delivered on 09/06/2026]

This petition is filed for getting compensation under Section 166 of the Motor Vehicles Act, 1988 (For short, 'the Act'.) on account of the death of Rambhau Maruti Sontakke in an accident involving motor vehicle.

Briefly stated, the facts of the claimants' case are as under:

2] On 12/09/2018 at about 8.00 p.m. Rambhau Sontakke was crossing Pune-Saswad road on foot. At that time one truck bearing No. MH-11/AL-546 going towards Saswad gave forceful dash to Rambhau. Rambhau fell down on the road and he sustained grievous injury. After accident, one traffic police constable by name Rajaram Fadtare B.No. 6563 stopped the said truck and inquired the name of the truck driver and noted down truck number. Injured Rambhau was going to Bhawana Hospital,

Fulsangi. But while going, he fell down under Pune-Solapur bridge, near Gadgil Bus stop. Then patrolling police officers moved injured Rambhau in ambulance at police station Hadapsar. At that time daughter of Rambhau namely Shital was present at Hadapsar police station for giving missing complaint of her father. She identified her father. Then police shifted injured at Bhavana Hospital. Doctor declared him dead. The postmortem was conducted at Sandipa Bansal Armed Force Medical College, Pune. Rambhau died due to rash and negligent driving of the truck driver. The truck was being driven in high speed.

3] The Police Constable Yuvraj Kamble B.No. 7493 lodged complaint against the said truck driver on the basis of information supplied by traffic police and patrolling officer. Crime No. 1050/2018 was registered against the truck driver (respondent No.1). Police investigated the crime and filed charge-sheet against respondent No.1 i.e. truck driver.

4] At the time of accident Rambhau was 49 years old. He was well bodied person. He was driver by occupation. He was doing driving job in M/s. Triupati Krushi Seva Kendra, Osmanabad and getting salary of Rs. 9000/- per month. The deceased was only earning member in the family. The claimants were wholly dependent on the income of the deceased. Claimant No.1 is the son of deceased. Claimant No.3 Mukta Sontakke is the wife of deceased, whereas claimant No.4 Khushi is the daughter of deceased.

5] Respondent No.1 is the owner as well as driver of the truck bearing No. MH-11/AL-546. The truck was insured with respondent No.2 at the relevant time of the accident. Hence, both respondent Nos.1 and 2 are liable to pay compensation to the claimants jointly and severally. The claimants have prayed for total compensation of Rs. 17,82,200/- from respondent Nos.1 and 2 under different heads.

6] Respondent No.1 appeared in the proceeding, but failed to file written statement. Hence petition proceeded without his written statement.

7] Respondent No.2 contested the petition by filing written statement (Exh.14). The respondent has denied that accident occurred due to rash and negligent driving of respondent No.1. The respondent has denied the age, occupation and income of the deceased Rambhau. It is contention of the respondent that, respondent No.1 has committed breach of the terms and conditions of Insurance Policy. This respondent claims that claimants are seeking much high compensation. Lastly, respondent has prayed for dismissal of the petition.

8] After considering the pleadings of the respective parties, my learned predecessor framed issues at Exh.30. I am setting out those issues verbatim with my findings thereon for the reasons stated thereunder:-

S.No.	Issues	Findings
1)	Whether claimants prove that deceased died on account of rash and negligent	

S.No.	Issues	Findings
	driving of motor vehicle bearing registration No. MH-11/AL-546 by respondent No.1	Affirmative.
2)	Whether respondent No.2 proves that driver of said vehicle committed breach of policy terms and conditions ?	Negative.
3)	Whether claimants prove that they are entitled for compensation ? If yes, to what extent and from whom ?	Yes, Rs.13,02,000/- with interest of 6.5% per annum from filing of petition till realization of amount from respondent Nos.1 and 2 jointly and severally.
4)	What Order ?	.. As per final order.

REASONS

9] To substantiate their claim, the claimants have filed evidence affidavit of claimant No.3 Mukta Rambhau Sontakke (Exh.33) who is wife of deceased Rambhau. The claimants have examined CW-2 Chandrasen Laxman Pisal (Exh.49) who is owner of Tirupati Krushi Seva Kendra, Osmanabad.

10] The claimants have relied upon following documentary evidence : copy of charge-sheet (Exh.38), FIR (Exh.39), spot

panchanama (Exh.40), postmortem report (Exh.41) inquest panchanama (Exh.42), salary certificate (Exh.53)

11] Respondents have not led any oral or documentary evidence

As to issue Nos.1 & 2:-

12] This claim being a claim under Section 166 of Motor Vehicles Act, claimants are required to prove that Rambhau Sontakke died due to rash and negligent driving of Truck No. MH-11-AL-546 driven by respondent No.1. Though the initial burden to prove this fact rests upon the claimants, the standard of proof required for it is preponderance of probabilities. It is well settled that in a case relating to motor accident claim, the claimants are not required to prove the case as it is required to be done in criminal trial. In such cases, the claimants are merely required to establish their case on the touchstone of preponderance of probabilities.

13] For the proof of the fact that deceased Madhukar Sontakke died due to the rash and negligent driving of the driver of offending vehicle, the claimants have mainly relied upon the evidence of CW-1 Mukta Sontakke (Exh.33) who is wife of deceased Rambhau and the police papers i.e. F.I.R., spot panchnama, inquest panchanama, postmortem report, charge-sheet.

14] CW-1 Mukta Sontakke has stated in her evidence that deceased Rambhau died due to rash and negligent driving of truck driver respondent No.1. Though, she has stated this, admittedly,

she was not present at the time of accident. FIR is at Exh. 39. Complaint was filed by one police constable B.No. 7493 Yuvraj Kamble against the truck driver (i.e. respondent No.1) . From the FIR it can be seen that on 12.09.2018 at about 8.00 p.m. when Rambhau was crossing the road near Shani temple truck bearing No. MH-11/AL-546 came in high speed and dashed against Rambhau. This fact was witnessed by traffic constable Shri R.U. Fadtare B.No. 6563. He identified the dead body of Rambhau as the same person who was dashed by truck and got grievously injured. On the basis of information got from traffic police constable Fadtare, P.C. Yuvraj Kamble filed complaint against the truck driver. Spot panchanama is at Exh. 40 which was drawn on the very next day of the accident. After carrying out investigation, the police got material against the truck driver and so charge-sheet (Exh.38) came to be filed against him. From the complaint, spot panchanama and charge-sheet, it appears probable that while crossing road the offending vehicle came in high speed and dashed against Rambhau and he got grievously injured.

15] Learned counsel of the respondent No.2 vehemently argued that Rambhau himself was in drunken condition and so accident occurred. He would submit that there is no negligence on the part of the truck driver. It is to be noted that Rambhau was resident of Latur. He had been at Pune to meet her daughter. He was not having any acquaintance there. For all police constables, Rambhau was unknown person. Had really Rambhau been in a drunken condition, it would have been stated somewhere by the

police. But it has not been stated in the complaint that Rambhau was in drunken condition. Postmortem was carried on the dead body of Rambhau. There is no finding in the postmortem report that Rambhau had consumed liquor. In short, there is no material on record which suggests that Rambhau was in drunken condition at the relevant time. During cross-examination it is suggested to CW-1 Mukta that on the day of accident Rambhau had gone to the house of Navnath Kamble and he did not return at the home. It is suggested to the witness that Rambhau and Navnath both were drunken and therefore police arrested Navnath Kamble. This witness has denied this suggestion. Except such suggestion, the respondent No.2 has not brought on record any evidence to show that, in fact, Rambhau and Navnath were drunken and police arrested Navnath. Respondent No.2 has not led any evidence to substantiate this contention. So it does not appear probable that Rambhau was crossing the road in drunken condition.

16] No doubt, it appears somewhat surprising that after getting seriously injured, Rambhau himself proceeded towards hospital and thereafter found beneath Pune-Solapur bridge. It is mentioned in the spot panchanama that the spot of incident is the spot of heavy traffic and so traffic constable is deputed for duty. After dashing Rambhau, the truck did not stop. Traffic constable Fadtare was busy in regulating traffic. In such situation, though it appears somehow surprising that grievously injured Rambhau left the spot for treatment in the hospital, taking into consideration the overall situation, it can not be viewed suspiciously

17] As such from the material placed on record, it appears probable that accident occurred due to rash and negligent driving of the truck driver respondent No.1 and Rambhau died due to the accident. Accordingly, I have recorded positive finding on issue No.1.

As to issue No.2:-

18] Though insurance company has averred in written statement that the respondent No.1 has committed the breach of the terms and conditions of the policy, no material is brought on record suggesting such breach. The respondent No.3 has not led any evidence to show that any such breach has been committed. So, I have recorded negative finding on issue No.2.

As to issue No.3:-

19] With regard to the calculation of compensation the guidelines given by Supreme Court in **Sarala Verma V/s.Delhi Transport Corporation & Anr. reported in 2009(2) T.A.C. 667 (S.C.) and National Insurance Company Ltd. V/s. Pranay Sethi & Ots. reported in 2017(4) T.A.C. 673 (S.C.)** are relevant. As per observations made in these well celebrated decisions of Hon'ble Supreme Court, I have to first determine the annual income of the deceased. Thereafter, deduction should be made of the amount which the deceased would have spent by way of personal and living expenses. Then, I have to add amount of future prospects. The figure which comes will constitute the multiplicand. Thereafter, as per the age of deceased multiplier has to be applied. In addition to this, I have to give compensation for the loss of his

estate, funeral expenses, consortium.

20] As far as annual income of the deceased Rambhau is concerned, the evidence of C.W.2 Chandrasen Pisal is relevant. CW-2 Chandrasen Pisal is proprietor of M/s. Tirupati Krushi Seva Kendra, Osmanabad. He deposed that deceased Rambhau was driver on his pick up vehicle since from the year 2017 and he was paying him salary of Rs. 9000/- per month. Rs. 9000/- per month means Rs. 300/- per day. For a driver, in the year 2018 Rs. 300/- per day appears reasonable income. It is not high and not too low. So, I am going to believe the version of CW-2 that Rambhau was getting income of Rs. 9000/- per month. Means his annual income would be Rs.1,08,000/-.

21] Claimant No.1 is the son of Rambhau, claimant No.3 Mukta is second wife of Rambhau. It has been brought during cross-examination of Mukta that she married with Rambhau just before four months of occurrence of the incident. Claimant No.3 is also added as claimant/dependent being daughter of Rambhau. Mukta has admitted during cross-examination that at the time of marriage with Rambhau, she had already two daughters. Claimant No.4 Khushi was added as claimant in the year 2022. Accident occurred on 12.09.2018. The marriage of Mukta had taken place just before four months of death of Rambhau. If all these circumstances are seen collectively, it appears improbable that claimant No.3 Khushi is the daughter of Rambhau. So I consider only two dependents in this matter i.e. claimant No.1 Vijay Sontakke who is son of deceased Rambhau and claimant No.3 Mukta Sontakke who is wife of Rambhau. It is well settled that

from the determined annual income of the deceased, deduction is to be made towards personal living expenses of the deceased based on the number of members/dependent of the family. As per the Judgment of ***Sarla Verma (Supra)*** if the number of dependent family members is of married person two to three, $1/3^{\text{rd}}$ amount has to be deducted from the annual income. So, after deducting $1/3^{\text{rd}}$ amount the calculation comes at Rs.1,08,000 – Rs.36,000= Rs.72,000/- per annum.

22] Thereafter, in view of the Judgment of Hon'ble Supreme Court in case of ***National Insurance Company Ltd. Vs. Pranay Sethi (Supra)***, future prospects are required to be added in the income of deceased considering his age at the time of his death. The school certificate of deceased Rambhau is filed on record is at Exh. 37. His date of birth is 07.05.1969. He died on 12.09.2018. So at the time of death his age was 49 years 4 months. As per chart of multiplier given in **Sarla Verma's** case, the age group of 46 to 50 is made. As Rambhau is below age 50 years, his age has to be considered as 49 years. Hon'ble Supreme Court in case of ***Pranay Sethi (Supra)***, fixed standard for granting future prospects. If deceased was self employed and between the age of 40 to 50 years, addition of 25% has to be made in the income. In the case in hand deceased Rambhau was self employed, so addition of 25% has to be made in his annual income i.e. Rs. 72,000/- + Rs.18,000/- which comes at Rs. 90,000/- per annum.

23] Now, the question comes about the application of proper multiplier to this income. Hon'ble Supreme Court in case of *Sarla Verma (Supra)* has set out chart of multipliers based on the age of deceased. In the present case the deceased was 49 years old. Having regard to the chart provided in the above referred decision, multiplier of 13 is applicable for this age. So, the multiplicand of Rs.90,000/- has to be multiplied with the multiplier 13 which comes at Rs.11,70,000/-.

24] Under conventional heads, in view of the decision of the Hon'ble Supreme Court in the case of *Pranay Sethi (Supra.)*, amount of Rs.15,000/- is required to be added towards loss of estate, plus 10% increase has to be given after each three years. The deceased died in the year 2018. So 20% increase has to be given under this head. Accordingly, the compensation under the head of loss of estate would come at Rs.18,000/-. Amount of Rs. 15,000/- is required to be added towards funeral expenses plus 10% increase has to be given after each three years. So 20% increase has to be given under this head. Accordingly, the compensation under the head of funeral expenses would come at Rs.18,000/-. The amount under the head of compensation towards consortium would come at Rs.40,000/- for each claimant. In this case there are two dependents of deceased. So also, 10% increase has to be given for each three years. So 20% increase has to be given under this head. So the amount of compensation towards consortium would come at Rs. 40,000/- x 2 + 20% = Rs.96,000/-.

25] As such the claimants would be entitled to receive the compensation under the different heads as follows:-

Heads of Compensation		Amount in INR.
Loss of dependency	Rs.	11,70,000/-
Loss of estate	Rs.	18,000/-
Funeral expenses	Rs.	18,000/-
Consortium	Rs.	96,000/-
Total	Rs.	13,02,000/-

26] The next question is who is liable to pay the compensation. Respondent No.1 is the owner and driver of offending vehicle Truck bearing No.MH-11-AL-546. The offending vehicle is insured with respondent No.2. Hence, I hold that respondent Nos.1 and 2 are jointly and severally liable to pay the compensation to the claimants.

27] As far as rate of interest is concerned, I think that the prevailing rate of interest in the nationalized bank should be awarded. So, it would be just to award the interest at the rate of 6.5% per annum on the compensation amount from the date of filing petition till realization of the amount.

28] Accordingly, I have recorded the finding on issue No.3 as 'yes, Rs.13,02,000/- with interest of 6.5% per annum from filing of petition till realization of amount from respondent Nos.1 and 2 jointly and severally'. As far as apportionment of payment between claimant No.1 & 3 is concerned, I think that being son and wife, both the claimants should get equal share in the compensation. In view of the findings on issue Nos. 1 to 3, following Order-

ORDER

- 1] Claim petition is allowed with costs in following terms:-
 - i] Claimant Nos.1 and 3 are entitled to get total compensation of Rs.13,02,000/- (Rupees Thirteen Lakh Two Thousand Only), with simple interest @ 6.5% per annum.
 - ii] Respondent Nos.1 and 2 jointly and severally shall pay compensation of Rs.13,02,000/- (Rupees Thirteen Lakh Two Thousand Only), to the claimant Nos.1 & 3 including amount of N.F.L. with simple interest @ 6.5% per annum from the date of petition till realization of entire amount.
 - iii] The amount shall be deposited in the name of "District Judge & Ex-Officio Member of M.A.C.T., Latur", having saving account No.40777681930, which have I.F.S.C. Code - SBIN0021055, which have M.I.C.R. Code - 413002058, in the bank of State Bank of India, Branch - Collectorate Complex, Latur.
 - iv] Out of the amount deposited by the respondents with interest, 1/2 amount each be paid to the claimant Nos.1 & 3.
- 2] Claimants shall pay deficit court fees.
- 3] Award be drawn-up accordingly.

Date : 09/06/2026

Place : Latur

(Vidyadhar S. More)

Member of M.A.C.T., Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(L.S. Panhale)
Stenographer (Grade-1)
NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.) :	Shri Vidyadhar S. More, Member of M.A.C.T., Latur.
Date for pronouncement of Judgment/Order:	09.06.2026
Judgment/Order signed by P.O. on:	09.06.2026