



Presented on 10/04/2025
Registered on 10/04/2025
Decided on 27/03/2026
Duration Y. M. D.
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BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
RAIGAD-ALIBAG

(PRESIDED OVER BY S.D.Bhagat)

Motor Accident Claim No.83/2025.
CNR No. MHRG010003732025
Exh.No. 39/A

1. **Nikita Mangesh Pawar**
Age: 24 Yrs., Occ. : housewife
2. **Rachana Mangesh Pawar**
Age: 06 Yrs., Occ. : Education
3. **Harsh Mangesh Pawar**
Age: 03 Yrs., Occ. : Nil ...Petitioners.
4. **Bhimai Devji Pawar**
Age: 52 Yrs., Occ. : Nil

Applicant No.1 herself and guardian of
applicant Nos.2 & 3.

All are R/o.Wave Adiwasiwadi,
Post.Wadkhal, Tal.Pen, Dist.Raigad.

V/s.

1. **Darshan Krushna Naik**
At. Adiwasiwadi, Gatachi wadi,
Post.Poynad, Tal.Alibag, Dist.Raigad.
2. **S.B.I General Insurance Com.Ltd.**
Natraj 101, 2016301,
Junction of Western Express Highway

Andheri Kurla Roda, Andheri (E)
Mumbai-400069.

...Opponents.

Claim under section 166 of
the Motor Vehicle Act, 1988
for the compensation..

Appearance: Adv. Shri.A.D.Patil for the petitioners.

Adv. Shri.A.D.Patil for the Opponent No.1.

Adv.Shri.A.M.Deshmukh for the opponent No.2

J U D G M E N T

(Delivered on 27/03/2026)

Introduction :-

The present claim petition is filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the death of Mangesh Devji Pawar in a motor vehicular accident.

Applicant No.1 is the widow of the deceased.

Applicant Nos.2 and 3 are minor children of the deceased.

Applicant No.4 is the mother of the deceased.

02. The applicants claim compensation on account of the untimely death of the deceased in a road accident alleged to have been caused by the rash and negligent driving of the vehicle owned by Respondent No.1 and insured with Respondent No.2.

Case of the Applicants :-

03. According to the applicants, on 17.03.2025 at about

7.00 p.m., the deceased Mangesh Devji Pawar was riding motorcycle bearing No. MH-06/CN-5204 on Nagothane–Poynad Road.

04. When he reached near Mendhekar village, Eco car bearing No. MH-06/CL-4502, driven by its driver in a rash and negligent manner, came from behind and dashed against the motorcycle. Due to the impact, the deceased fell on the road and sustained severe injuries and died.

05. The applicants contend that the accident occurred solely due to the negligence of the driver of the Eco vehicle. The deceased was aged 31 years and was working as a contractor in JSW Company at Wadkhal, earning approximately Rs.17,000/- per month. It is further contended that the deceased was the sole earning member of the family and his death has caused severe financial hardship to the applicants. Therefore, the applicants have claimed compensation of Rs.30,81,470/-.

Defence of Respondent No.1 :-

06. Respondent No.1 filed written statement denying negligence.

According to him :- The accident occurred due to negligence of the motorcycle rider himself. The deceased lost control of his motorcycle and slipped on the road. The Eco vehicle driver was driving cautiously. The police falsely implicated the Eco driver merely because he remained present at the spot. It is also contended that the income claimed by the applicants is exaggerated.

Defence of Respondent No.2 :-

07. The insurance company denied liability and raised the following contentions :- Negligence of the Eco vehicle driver is denied. The deceased himself was negligent and was allegedly riding without helmet. The applicants have not produced documentary proof regarding income of the deceased. In case compensation is awarded, there was contributory negligence of the deceased. Interest, if any, should be awarded only from the date of service.

Issues :-

On the basis of pleadings, the following issues were framed:

Sr.No.	Issues	Findings
1.	Whether the petitioners prove that Mangesh Devji Pawar died in a vehicular accident dated 17.03.2025 due to rash and negligent driving of Eco car No. MH-06/CL-4502 ?	... Proved.
2.	Whether petitioners prove that the driver of the said vehicle drove it rashly and negligently ?	...Proved.
3.	Whether the said vehicle was owned by Respondent No.1 and insured with Respondent No.2 at the time of accident ?	...Yes.
4.	Whether petitioners are entitled to compensation? If yes, what amount and	...Yes, respondent

- from whom ? Nos.1 & 2.
5. What order ? As per final order.

REASONS

Issue Nos. 1 and 2 :-

Whether the petitioners prove that Mangesh Devji Pawar died in a vehicular accident dated 17.03.2025 due to rash and negligent driving of Eco Car No. MH-06/CL-4502?

08. Since both these issues are interconnected, they are taken up together for discussion.

In order to prove the accident and negligence of the offending vehicle, the applicants examined Applicant No.1 – Nikita Mangesh Pawar, the widow of the deceased. Her testimony reveals that her husband Mangesh Devji Pawar died in a road accident which occurred on 17.03.2025 on Nagothane–Poynad Road.

09. Though the witness has candidly admitted in cross-examination that she did not personally witness the accident, such admission does not materially affect the case of the applicants. In claim petitions arising out of motor accident cases, it is well settled that the standard of proof is not as strict as in criminal trials. The Tribunal is required to consider the preponderance of probabilities rather than proof beyond reasonable doubt.

10. The applicants have produced several documentary

records which form part of the police investigation. These documents include :- FIR (Exh.22), Statement of witnesses (Exh.23), Spot Panchanama (Exh.24), Inquest Panchanama (Exh.25), Cause of Death Certificate (Exh.26), Postmortem Report (Exh.27).

11. The spot panchanama indicates that the accident occurred on a public road and the motorcycle was found damaged at the spot. The nature of damage to the motorcycle corroborates the occurrence of a vehicular collision.

12. Further, the postmortem report establishes that the death of Mangesh Pawar occurred due to injuries sustained in a road traffic accident. Thus the medical evidence corroborates the case of the applicants regarding the accidental death of the deceased.

13. The respondents have attempted to contend that the deceased himself was negligent and that the motorcycle slipped due to his own fault. However, this contention remains merely a suggestion put in cross-examination. No independent witness has been examined by the respondents to establish contributory negligence of the deceased.

14. It is noteworthy that the insurance company as well as the owner of the vehicle have not stepped into the witness box. No driver of the Eco vehicle has been examined to explain the circumstances in which the accident occurred.

15. In the absence of any rebuttal evidence, the documentary evidence produced by the applicants remains

unchallenged. In motor accident claims, the Tribunal is permitted to rely upon police records such as FIR, spot panchanama and charge sheet for determining negligence. These documents constitute reliable evidence when they remain unrebutted.

16. The respondents have also attempted to argue that the deceased was allegedly riding without helmet. However, no documentary evidence or investigation record has been produced to support this allegation. Mere suggestions in cross-examination cannot displace the documentary evidence placed on record.

17. From the overall material available on record, it clearly emerges that the accident occurred due to the involvement of the Eco vehicle bearing No. MH-06/CL-4502, and the respondents have failed to establish that the accident occurred due to negligence of the deceased. Therefore, applying the principle of preponderance of probabilities, it is safe to conclude that the accident occurred due to the rash and negligent driving of the driver of the Eco vehicle. Accordingly, Issue Nos.1 and 2 are answered in the Affirmative.

Issue Nos. 3 and 4 :-

Quantum of Compensation :-

18. After establishing the liability of the offending vehicle, the next question which arises for determination is the quantum of compensation to which the applicants are entitled. The applicants have asserted that the deceased was working as a

contractor in JSW Company at Wadkhal and was earning Rs.17,000/- per month. However, during cross-examination, Applicant No.1 admitted that :-

- i) She has not produced any salary certificate.
- ii) She has not produced any employment record from JSW Company.
- iii) She has not produced any document showing that the deceased was working as a contractor.

19. Thus, the income of Rs.17,000/- per month claimed by the applicants remains unsubstantiated by documentary evidence. In motor accident cases, when there is no documentary proof of income, the Tribunal is required to make a reasonable assessment of the income of the deceased based on surrounding circumstances.

20. In the present case, the deceased was aged 31 years and was admittedly engaged in some form of labour or contract work. Considering the socio-economic background of the deceased and the absence of documentary proof of income, it would be reasonable and just to assess the notional monthly income of the deceased at Rs.8,000/-.

21. This assessment is consistent with the approach adopted by courts in similar circumstances where the income of the deceased is not proved by documentary evidence.

Addition of Future Prospects. The Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi* has held that future prospects must be added even in cases of self-employed persons. Since the deceased was below 40 years of age, an

addition of 40% towards future prospects is required.

Therefore,

Monthly income = Rs.8,000/-

Future prospects (40%) = Rs.3,200/-

Total monthly income = Rs.11,200/-

Deduction for Personal Expenses

There are four dependents in the present case.

As per the principles laid down in

Sarla Verma v. Delhi Transport Corporation,

where the number of dependents is four to six, $\frac{1}{4}$ deduction towards personal expenses is appropriate.

Annual income = Rs.11,200/- \times 12 = Rs.1,34,400/-

$\frac{1}{4}$ deduction = Rs.33,600/-

Annual contribution to family = Rs.1,00,800/-

Multiplier

The age of the deceased was 31 years.

As per the multiplier table prescribed in

Sarla Verma v. Delhi Transport Corporation,

the appropriate multiplier for age group 31-35 years is 16.

Therefore,

Rs.1,00,800 \times 16 = Rs.16,12,800/-

This amount represents the loss of dependency.

Conventional Heads

In addition to loss of dependency, the applicants are entitled to compensation under conventional heads.

As held in

Magma General Insurance Co. Ltd. v. Nanu Ram, each claimant is entitled to consortium.

Thus,

Spousal and parental consortium

Rs.40,000/- × 4 claimants = Rs.1,60,000/-

Loss of estate = Rs.15,000/-

Funeral expenses =Rs.15,000/-

Total Compensation :-

Head	Amount
Loss of dependency	Rs.16,12,800/-
Consortium	Rs.1,60,000/-
Loss of estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-
Total Compensation	Rs.18,02,800/-

Interest :-

22. Considering the prevailing judicial practice and in order to ensure just compensation, the applicants are entitled to interest at the rate of 7.5% per annum from the date of filing of the petition until realization. Accordingly, Issue Nos.3 and 4 are answered in the Affirmative and pass following order.

ORDER

- 1.** The Motor Accident Claim Petition No. 83 of 2025 is partly allowed with proportionate costs.
- 2.** The applicants are entitled to total compensation of Rs.18,02,800/- (Rupees Eighteen Lakh Two Thousand Eight Hundred Only) on account of the death of Mangesh Devji Pawar in the motor vehicular accident dated 17.03.2025.

3. The said amount shall carry interest at the rate of 7.5% per annum from the date of filing of the petition till realization of the entire amount.
4. Respondent No.1 (Owner) and Respondent No.2 (SBI General Insurance Company Ltd.) are jointly and severally liable to pay the compensation amount. However, since the offending vehicle was insured with Respondent No.2 on the date of the accident, Respondent No.2 – Insurance Company shall deposit the entire compensation amount with accrued interest before this Tribunal within a period of two months from the date of this order.
5. **Apportionment of Compensation :-**
Out of the total compensation amount of ₹18,02,800/-, the same shall be apportioned among the applicants as follows:
Applicant No.1 – Nikita Mangesh Pawar, Widow
Share Of Rs.7,00,000/-
Applicant No.2 – Rachana Mangesh Pawar, Minor Daughter
Share of Rs.4,50,000/-
Applicant No.3 – Harsh Mangesh Pawar, Minor Son
Share of Rs.4,50,000/-
Applicant No.4 – Bhimai Devji Pawar, Mother of Deceased
Share of Rs.2,02,800/-
Total = Rs.18,02,800/-

Investment Directions :-

6. Out of the share of Applicant No.1 (widow), an amount of Rs.4,00,000/- shall be invested in Fixed Deposit in any Nationalized Bank for a period of three years, and the remaining amount shall be released to her through account transfer.
7. The entire share of Applicant Nos.2 and 3 (minor children) shall be kept in Fixed Deposit in any Nationalized Bank till they attain the age of majority.
8. Applicant No.1, being the natural guardian of the minor applicants, shall be permitted to withdraw the periodical interest accrued on the fixed deposits of minor applicants for their education, welfare and maintenance, with prior permission of the Tribunal whenever required.
9. The share of Applicant No.4 (mother of the deceased) shall be released to her through account transfer.
10. The Insurance Company shall deposit the amount by RTGS/NEFT in the account of the Tribunal, and thereafter the Nazir/Accounts Section shall ensure compliance of the above investment directions.
11. The applicants shall furnish their bank account details, PAN cards and Aadhaar details before withdrawal of the amount, in accordance with the guidelines issued by the Hon'ble Supreme Court regarding disbursement of compensation.

12. Additional Directions :-

The Insurance Company shall file compliance report after depositing the compensation amount.

13. Advocate fee shall be payable as per rules.

14. Draw award accordingly.

Alibag,
Date :- 27/03/2026

(S.D.Bhagat)
Ex-officio Member, M.A.C.T.
Raigad-Alibag.