



Presented on 05/08/2024  
Registered on 06/08/2024  
Decided on 13/03/2026  
Duration Y. M. D.  
01 07 08

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,  
RAIGAD-ALIBAG**

**(PRESIDED OVER BY S.D.Bhagat)**

**Motor Accident Claim No.170/2024.  
CNR No.MHRG010009022024  
Exh.No.46/A**

1. **Nilima Dipak Mhatre**  
Age: 40 Yrs., Occ. : housewife
2. **Pratik Dipak Mhatre**  
Age: 18 Yrs., Occ. : Education
3. **Kartiki Dipak Mhatre** ...Petitioners.  
Age: 12 Yrs., Occ. : Education
4. **Hirachandra Narayan Mhatre**  
Age: 78 Yrs., Occ. Housewife
5. **Parvati Hirachandra Mhatre**  
Age : 70 yrs, Occ. Housewife

Applicant No.1 herself and  
guardian of applicant No.3.

**All are R/o.At present :- Chole, Post. Bense,  
Tal.Pen, Dist.Raigad.**

V/s.

**Division Manager  
M.S.R.T.C  
At. Ramwadi, Pen,  
Tal.Pen, Dist.Raigad.**

**...Opponent.**

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

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

Adv.Shri.J.A.Lele the opponent.

### **J U D G M E N T**

(Delivered on 13/03/2026)

#### **Introduction :-**

The present claim petition is filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the death of Dipak Hirachandra Mhatre, who died in a motor vehicle accident on 25/06/2024.

**02.** The petitioners claim that the accident occurred due to rash and negligent driving of S.T. Bus No. MH-14/BT-2766, belonging to the Maharashtra State Road Transport Corporation.

**03.** The petitioners have claimed compensation on account of loss of dependency, consortium, funeral expenses and other conventional heads.

#### **Parties :-**

The petitioners are the legal heirs of the deceased :-

Petitioner No.1 – Nilima Mhatre

Wife of deceased.

Petitioner No.2 – Pratik Mhatre

Son of deceased.

Petitioner No.3 – Kartiki Mhatre

Daughter of deceased.

Petitioner No.4 – Hirachandra Mhatre

Father of deceased.

Petitioner No.5 – Parvati Mhatre

Mother of deceased.

All petitioners are residents of Village Chole, Post Bense, Taluka Pen, District Raigad.

**Facts of the Case :-**

04. On 25 June 2024 at about 5:15 p.m., the deceased Dipak Mhatre was riding his motorcycle bearing No. MH-06/AJ-4738 on Nagothane-Pezari Road, within the jurisdiction of Nagothane Police Station, District Raigad. At that time, an S.T. Bus bearing No. MH-14/BT-2766, driven by its driver Rajkumar Kande, was proceeding towards Poynad side.

05. According to the petitioners, the driver of the S.T. bus attempted to overtake a car and brought the bus to the wrong side of the road, thereby colliding violently with the motorcycle driven by the deceased.

06. Due to the forceful impact, the deceased sustained severe head injuries and succumbed to those injuries. The deceased was taken to Civil Hospital, Alibag, where post-mortem examination was conducted. A criminal case was registered against the S.T. bus driver for offences under Sections 279, 337 and 338 of IPC and Section 184 of the Motor Vehicles Act. At the time of the accident, the deceased was aged 47 years and was working in Sagar Enterprises.

**Defence of Respondent :-**

07. The respondent contested the claim and denied the

allegations of negligence. The S.T. bus driver examined himself and stated that while he was driving the bus cautiously, a motorcycle rider came from the opposite direction at high speed and collided with the bus. According to him, the accident occurred due to the negligence of the motorcycle rider.

**Issues :-**

**08.** The following issues were framed for determination:

<b>Sr.No</b>	<b>ISSUES</b>	<b>Findings</b>
1.	Whether the petitioners prove that Dipak Mhatre died in the motor vehicle accident dated 25/06/2024 due to rash and negligent driving of S.T. Bus No. MH-14/BT-2766?	In the affirmative.
2.	Whether the petitioners prove that the said S.T. bus was owned by the respondent ?	In the affirmative.
3.	Whether the petitioners are entitled to compensation? If yes, what amount and from whom ?	Partly affirmative
4.	What order ?	As per final order.

**REASONS**

**Evidence :-**

**09.** The petitioners examined two witnesses :- PW-1 Nilima Mhatre Widow of the deceased. PW-2 Namdev Kuche Supervisor at Sagar Enterprises.

**The respondent examined :-** RW-1 Rajkumar Kande Driver of the

S.T. bus.

**Documents produced include :-**

FIR, Spot Panchanama, Inquest Panchanama, Post-mortem report, Death certificate, Salary slip, Aadhaar cards of petitioners and deceased.

**Issue No.1 :-**

Whether the petitioners prove that Dipak Mhatre died in a motor vehicle accident dated 25/06/2024 due to rash and negligent driving of S.T. Bus No. MH-14/BT-2766?

**Appreciation of Evidence, Discussion and Reasons :-**

**10.** This issue goes to the root of the claim petition. In order to establish entitlement to compensation under Section 166 of the Motor Vehicles Act, the petitioners are required to prove that the accident occurred due to rash or negligent driving of the offending vehicle.

**11.** The petitioners have examined PW-1 Nilima Mhatre, who is the widow of the deceased. Through her affidavit evidence she has narrated the manner in which the accident occurred. According to her testimony, on 25/06/2024 at about 5:15 p.m., the deceased Dipak Mhatre was riding his motorcycle bearing No. MH-06/AJ-4738 on the Nagothane-Pezari Road. At that time the S.T. bus bearing No. MH-14/BT-2766, driven by its driver Rajkumar Kande, attempted to overtake another vehicle and in that process came onto the wrong side of the road and dashed against the motorcycle of the deceased. As a result of the forceful impact, the deceased sustained severe head injuries and succumbed to those injuries.

**12.** Though PW-1 is not an eye witness to the accident, her testimony assumes importance as it is based upon the police investigation and the surrounding circumstances narrated to her immediately after the accident. Her testimony regarding the occurrence of the accident, the death of her husband and the involvement of the S.T. bus has remained consistent and has not been shaken in cross-examination.

**13.** The documentary evidence placed on record by the petitioners lends substantial corroboration to the version put forward by PW-1. The FIR (Exh.17) lodged with Nagothane Police Station clearly records that the accident occurred when the S.T. bus driver drove the vehicle negligently and dashed against the motorcycle of the deceased. The spot panchanama (Exh.19) indicates the position of the vehicles and the location of the accident on the road. The inquest panchanama (Exh.20) and the post-mortem report (Exh.22) establish that the deceased sustained fatal head injuries in the accident and that the death was directly attributable to the injuries sustained in the said accident.

**14.** It is also significant to note that on the basis of the investigation carried out by the police authorities, a criminal case was registered against the driver of the S.T. bus for offences punishable under Sections 279, 337 and 338 of the Indian Penal Code and Section 184 of the Motor Vehicles Act, and charge-sheet has been filed against him. Although the findings in a criminal case are not binding on the Claims Tribunal, the fact that the investigating agency found sufficient material to prosecute the driver is a relevant circumstance which cannot be

ignored while appreciating the evidence in a claim petition.

In order to rebut the case of the petitioners, the respondent has examined RW-1 Rajkumar Kande, the driver of the S.T. bus. In his affidavit evidence he has attempted to put forward a defence that the accident occurred because the motorcycle rider was driving at high speed and came onto the wrong side of the road. According to him, despite his attempt to avoid the collision, the motorcycle dashed against the bus.

**15.** However, when the testimony of RW-1 is carefully scrutinized, it appears that the defence taken by him does not inspire confidence. During cross-examination he admitted that a criminal case has been registered against him in respect of the present accident and that charge-sheet has been filed before the competent court. He further admitted that departmental enquiry has also been initiated against him by the S.T. Corporation. These admissions clearly indicate that the competent authorities found prima facie negligence on his part in the occurrence of the accident.

**16.** Furthermore, RW-1 has not examined any independent witness to support his version of the incident. No passenger of the bus or any other person present at the spot has been examined to substantiate the allegation that the deceased himself was responsible for the accident. In absence of such corroborative evidence, the defence version appears to be merely a self-serving statement made by the driver in order to avoid liability.

**17.** It is also well settled that proceedings before the

Motor Accident Claims Tribunal are summary in nature and strict proof of negligence as required in a criminal trial is not necessary. The Tribunal is required to assess the evidence on the basis of preponderance of probabilities. When the oral evidence of PW-1 is read in conjunction with the documentary evidence such as FIR, spot panchanama and post-mortem report, it clearly establishes that the accident occurred due to negligent driving of the S.T. bus.

18. The defence put forward by the driver that the motorcycle rider himself dashed against the bus is not supported by any convincing evidence and therefore cannot be accepted. Thus, on overall appreciation of the oral and documentary evidence placed on record, this Tribunal is satisfied that the petitioners have successfully proved that the accident occurred due to rash and negligent driving of S.T. Bus No. MH-14/BT-2766 by its driver. Accordingly, Issue No.1 is answered in the affirmative.

**Issue No.2 :-**

Whether the petitioners prove that the said S.T. bus was owned by the respondent ?

19. The respondent itself admits that the vehicle involved in the accident was an S.T. Bus belonging to Maharashtra State Road Transport Corporation. Therefore the respondent is liable. Hence, Issue No.2 – Answered in the affirmative.

**Issue No.3 :-**

Whether the petitioners are entitled to

compensation? If yes, what amount and from whom ?

### **Appreciation of Evidence, Discussion and Reasons**

**20.** Having held that the accident occurred due to the negligent driving of the S.T. bus, the next question that arises for consideration is the determination of just and reasonable compensation payable to the petitioners.

**21.** The petitioners have contended that the deceased was working in Sagar Enterprises and was earning approximately Rs.17,767/- per month. In order to substantiate the said claim, the petitioners examined PW-2 Namdev Kuche, who stated that he is working as a supervisor in Sagar Enterprises and that the deceased was employed in the said establishment. He produced salary slips for the months of March 2024 to May 2024.

**22.** However, during cross-examination certain weaknesses in the testimony of PW-2 came to light. The witness admitted that the salary slips were prepared on a computer and that no additional documentary evidence such as PF records, ESI records, bank transfer details or other statutory employment records were produced before the Tribunal. He also admitted that apart from the salary slips of three months, no other documentary proof was produced to conclusively establish the employment of the deceased in the said establishment.

**23.** In view of these admissions, the Tribunal finds that the salary evidence produced by PW-2 does not inspire full confidence. Therefore it would not be safe to rely entirely upon

the salary slips produced by the witness.

**24.** In such circumstances, it is permissible for the Tribunal to determine the income of the deceased on the basis of reasonable estimation considering the nature of work and the surrounding circumstances of the case. Taking an overall view of the evidence on record, the monthly income of the deceased is reasonably assessed at Rs.10,000/- per month.

**25.** The deceased was aged 47 years at the time of the accident. As per the principles laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd. vs Pranay Sethi*, future prospects are required to be added while computing the income of the deceased. For a person aged between 40 and 50 years who was engaged in non-permanent employment, 25% addition towards future prospects is applicable.

Accordingly the income is calculated as follows :-

Monthly income = Rs.10,000/-

Future prospects (25%) = Rs.2,500/-

Total monthly income = Rs.12,500/-

**26.** The deceased has left behind five dependents, namely his wife, two children and his parents. Therefore, as per the settled principles laid down by the Hon'ble Supreme Court in *Sarla Verma vs Delhi Transport Corporation*, deduction towards personal and living expenses of the deceased should be 1/4th of the income.

Personal expenses (1/4) = Rs.3,125/-

Contribution to family = Rs.9,375/- per month

The age of the deceased being 47 years, the appropriate

multiplier applicable is 13.

Thus the loss of dependency is calculated as follows:

$$\text{Rs.}9,375 \times 12 \times 13 = \text{Rs.}14,62,500/-$$

**27.** Apart from loss of dependency, the petitioners are also entitled to compensation under conventional heads as laid down by the Hon'ble Supreme Court.

Loss of consortium to wife = Rs.40,000/-

Filial consortium to children (Rs.40,000/- each) = Rs.80,000/-

Parental consortium to parents (Rs.40,000/-each) = Rs.80,000/-

Loss of estate = Rs.15,000/-

Funeral expenses = Rs.15,000/-

Total conventional heads = Rs.2,30,000/-

Therefore the total compensation payable to the petitioners comes to

Loss of dependency = Rs.14,62,500/-

Conventional heads = Rs.2,30,000/-

Total compensation = Rs.16,92,500/-

**28.** The offending vehicle is owned by the respondent Maharashtra State Road Transport Corporation. Since the accident occurred due to the negligence of the driver of the said vehicle, the respondent corporation is liable to pay compensation to the petitioners. Accordingly, Issue No.3 is answered partly in the affirmative and pass following order.

### **ORDER**

1. The claim petition filed under Section 166 of the Motor Vehicles Act, 1988 is partly allowed.

2. The petitioners are entitled to compensation of Rs.16,92,500/-(Rupees Sixteen Lakhs Ninety Two Thousand Five Hundred only) together with interest at the rate of 7.5% per annum from the date of filing of the petition till realization.
3. The respondent Maharashtra State Road Transport Corporation shall deposit the aforesaid compensation amount together with accrued interest before this Tribunal within 60 days from the date of this award.
4. After deposit of the amount, the Nazir/Accounts Section of this Tribunal shall first deduct the deficit court fee, if any payable, in accordance with law, and thereafter the remaining amount shall be apportioned amongst the petitioners as follows :-  
Petitioner Relationship with Deceased Amount Awarded  
**Petitioner No.1** – Nilima Mhatre, Wife Rs.7,92,500/-  
**Petitioner No.2** – Pratik Mhatre, Son Rs.3,00,000/-  
**Petitioner No.3** – Kartiki Mhatre, Daughter (Minor)  
Rs.3,00,000/-  
**Petitioner No.4** – Hirachandra Mhatre, Father  
Rs.1,50,000/-  
**Petitioner No.5** – Parvati Mhatre, Mother  
Rs.1,50,000/-  
**Total : Rs.16,92,500/-**
5. The share of Petitioner No.3 – Kartiki Mhatre (Rs.3,00,000/-) shall be kept in Fixed Deposit in a nationalized bank until she attains majority. The interest

accrued thereon shall be permitted to be withdrawn periodically by Petitioner No.1, being her natural guardian, for the welfare and education of the minor.

6. The remaining compensation amount shall be released to the following petitioners after due identification and verification by the Nazir of this Tribunal, either by account payee cheque or by transferring the respective amount directly to their individual bank accounts, as under:

**Petitioner No.1** – Nilima Mhatre (wife of the deceased):  
Rs.7,92,500/-

**Petitioner No.2** – Pratik Mhatre (son of the deceased):  
Rs.3,00,000/-

**Petitioner No.4** – Hirachandra Mhatre (father of the deceased): Rs.1,50,000/-

**Petitioner No.5** – Parvati Mhatre (mother of the deceased): Rs.1,50,000/-

Petitioners shall pay deficit court fees, if any, before drawing the award.

7. Award be drawn accordingly.

Alibag,  
Date :- 13/03/2026

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