

MHRT130004162021



Received on : 14.08.2019  
 Registered on : 29.08.2019  
 Decided on : 20.04.2026  
 Duration : Ys. Ms. Ds.  
 06 08 07

**BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL,**  
**AT CHIPLUN.**

(Presided over by Dr. Anita S. Newase)

**M.A.C.P. No. 14/2021**  
 (Old Case No.M.A.C.P.No.60/2019)  
**Exh. No. 52**

- |                                    |   |                  |
|------------------------------------|---|------------------|
| 1. Rajeshri Rajaram Bhuvad,        | } |                  |
| Age: 46 years, Occu.: Household.   | } |                  |
|                                    | } |                  |
| 2. Rajaram Dhondu Bhuvad,          | } | <b>Claimants</b> |
| Age: 53 years, Occu.: agriculture, | } |                  |
| Both resident of Majrekashi,       | } |                  |
| Tal.Chiplun, Dist.Ratnagiri.       | } |                  |
|                                    | } |                  |

**Versus**

- |                                                 |   |                    |
|-------------------------------------------------|---|--------------------|
| 1. Mangesh Namdev Behekar,                      | } |                    |
| Age: 41 years, Occu.: Service (Driver)          | } |                    |
| Residing at Borjai Post Chikne,                 | } |                    |
| Tal. Dist. Yavatmal                             | } |                    |
| At present R/at. ST Depot. Vitthalwadi,         | } |                    |
| Taluka Ulhasnagar, District Thane               | } |                    |
| (Driver of ST Bus No.MH-14/BT-3873)             | } | <b>Respondents</b> |
|                                                 | } |                    |
| 2. Maharashtra State Road Transport Corporation | } |                    |
| Divisional Office, Malnaka,                     | } |                    |
| Opposite Vihar Delux Hotel,                     | } |                    |
| Taluka & District Ratnagiri.                    | } |                    |
| (Owner of ST Bus No.MH-14/BT-3873)              | } |                    |
|                                                 | } |                    |

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**Claim : Under Section 166 of the Motor Vehicle Act, 1988**

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Adv. Shri. A. H. Dalwai for the Claimants.

Adv. Shri. A.A. Phansekar for the Respondent No.2

Claim proceeded Exparte against Respondent No. 1

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

(Delivered on 20.04.2026)

1. The claimants have filed this claim petition for seeking compensation of Rs.10,00,000/- under section 166 of the Motor Vehicle Act 1988 against the respondent No.1 & 2 for vehicular accidental death of Rushikesh Rajaram Bhuvad.

2. The factual matrix of the claimants case in brief as under.

According to the claimants on 21-01-2018, the deceased Rushikesh Rajaram Bhuvad was proceeding on motorcycle bearing No.MH-08/Q-2420, as a pillion rider and his cousin Rohit Kiran Bhuvad was riding the said motorcycle slowly, cautiously on the left side of the road and proceeding towards Lote Khed. When at about 2.40 p.m. said motorcycle reached near ST Bus stop at village Peer Lote on Mumbai Goa Highway ST Bus bearing No.MH-14/BT-3873 dashed to the motorcycle and after the dash dragged it upto 30 to 40 feet. It is further contended that the spot of the accident is having dangerous curves of ascending and descending nature then also the ST Bus came in fast speed, overtaken a vehicle ahead of it without any precaution and came on wrong track due to which accident occurred. According to the claimants, the respondent

No.1 inspite of noticing the said motorcycle coming from opposite direction neither reduced the speed nor stopped to overtake the vehicle ahead of it and therefore accident occurred. It is further contended that in the said accident Rushikesh Bhuvad sustained grievous injuries and he scummed to death. It is further contended that due to the rash and negligent driving on part of driver of the offending vehicle the police of Khed Police Station registered the offence vide CR No.11/2018 under section 304-A, 279, 337, 338 of Indian Penal Code 1860 and under section 184, 134(b) and 177 of Motor Vehicle Act against driver of ST Bus bearing No.MH-14/BT-3873.

3. It is further contended that at the time of accident the respondent No.1 Mangesh Namdev Behekar was driver of the offending ST Bus and respondent No. 2 was owner of ST Bus. According to the respondents the deceased was 17 years 11 months old healthy boy and doing any sort of work for upliftment of the family. He was helping to his father in his agricultural work and earning member of the family. Due to the sudden accidental death of Rushikesh Rajaram Bhuvad the claimants have suffered tremendous grief & shock and lost a financial as well as mental support of the claimants of their old age. The deceased was very hardworking and sincere son of the claimants. It is further contended that if the deceased would not met with an accident he may survive at least 60 years. Therefore the claimants have claimed compensation under different heads i.e. for the loss of support, company, love & affection as well as pain & mental agony etc. the total compensation of Rs.10,00,000/- (Rs. Ten Lac Only) from the respondents jointly

and severally. On all these grounds the claimants have prayed for allowing claim petition.

4. The Respondent No.2 MSRTC has resisted the claim by way of filing Written Statement vide Exh.16 inter alia denying the contention in the claim. The respondent No. 1 denied the date, time, place and manner of actual occurrence of accident. According to the respondent No.2 at the time of accident Rohit Bhuvad was riding the motorcycle who was not having driving licence and Rushikesh Bhuvad who was pillion rider having knowledge of the same then also he was proceeding on the said motorcycle as a pillion rider. Therefore the deceased himself is responsible for the said accident. It is further averred that the said accident occurred due to fault on the part of motorcycle rider Rohit Bhuvad as he was riding the motorcycle in a high speed and rash & negligent manner. According to the respondent No.2 it clearly appears from the documents that the said accident occurred only due to rash and negligent riding by the motorcycle rider therefore the respondent No.2 MSRTC is not liable to pay compensation and prayed for dismissal of claim petition.

5. It is seen from record that inspite of proper service of summons the respondent No.1 has not appeared in this matter therefore my Ld Predecessor has passed order below Exh.1 and proceeded matter exparte against him.

6. In view of rival contentions of the parties and considering the attending circumstances of the claim I have framed issues vide Exh.22 and given my findings thereon for the reasons stated below.

**ISSUES****FINDINGS**

- |                                                                                                                                                                                    |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1] Whether the accident took place due to the rash and negligent driving of ST Bus bearing registration No. MH-14/BT-3873 driven by respondent No.1 and owned by respondent No.2 ? | In the affirmative                       |
| 2] Whether the deceased Rushikesh Bhuvad died due to injuries suffered by him in the said vehicular accident ?                                                                     | In the affirmative                       |
| 3] Whether the claimants are entitled to get compensation from respondents ? If yes, what should be the quantum?                                                                   | In the affirmative, as per final order.  |
| 4] Who is liable to pay the compensation?                                                                                                                                          | Respondent No.1 & 2 jointly & severally. |
| 5] What order and award?                                                                                                                                                           | As per final order.                      |

**REASONS**

7. In order to prove the contention in claim on behalf of the claimant the claimant No.1 Rajeshri Rajaram Bhuvad the mother of the deceased Rushikesh has adduced her evidence by way of filing claim affidavit vide Exh.25. In order to prove the rash & negligent driving on the part of respondent No.1 the claimants have examined eye witness CW2 Shailesh Vijay Joshi at Exh.46 and produced on record the relevant documents vide Exh.27 to 39 and 42 & 43. The claimants have closed the evidence vide prusis Exh.48. In order to prove the contentions in written statement the respondent No.2 has

examined driver of ST Bus who is respondent No.1 as their witness vide Exh.50. Heard Ld. Counsel of both parties.

**AS TO ISSUE NO.1 & 2:-**

8. In view of the claim u/sec. 166 of the Motor Vehicle Act, at the outset I would like to take recourse of the observation of the Hon'ble Supreme Court in case of N.K.V.Brothers Pvt. Ltd. Vs. M. Karunamai Ammal, reported in 1980 ACJ 345 (S.C.) in which it is observed that,

“The accident claim tribunal must take special care to see that innocent victim do not suffer and the drivers as well as the owners do not escape from liability merely because of some doubts here or some obscurity there. The Court should not succumb to niceties, technicalities and mystic maybes.”

9. Similarly Hon'ble Bombay High Court in case of United India Insurance Company Ltd Vs. Sayaji, reported in LAWS (BOM) 2008-8-223 has observed that,

The strict rule of the Evidence Act not applicable and tribunal can very well consider what was the case “Since the motor accident tribunal is the tribunal made out case before the police after the incident. This Court can take into consideration the certified copies of various documents on record. The certified copy of F.I.R., spot panchanama and inquest panchanama can be read in evidence without any additional proof”.

10. In view of above preposition of law & considering the factual aspect of the case now I have to

scrutinize the entire evidence on record. It appears that the claimant No.1 Rajeshri Rajaram Bhuvad the mother of deceased has reiterated the contention of the claim and specifically deposed at Exh.25 that on 21.01.2018 the deceased Rushikesh Rajaram Bhuvad was proceeding on motorcycle bearing No. MH-08/Q-2420 as a pillion rider and his cousin Rohit Kiran Bhuvad was riding the said motorcycle slowly, cautiously on the left side of the road and proceeding towards Lote khed. She further testified that when at about 2.40 p.m. the said motorcycle reached near ST Bus stop at village Peer Lote on Mumbai Goa Highway, ST Bus bearing No. MH-14/BT-3873 dashed to the motorcycle and after the dash dragged it upto 30 to 40 feet.

11. It has further come in her evidence that the spot of the accident is having dangerous curves of ascending and descending nature then also the ST Bus came in fast speed overtaken a vehicle ahead of it without any precaution and came on wrong track due to which accident occurred. She specifically deposed that respondent No.1 inspite of noticing the said motorcycle coming from the opposite direction did not reduce the speed and not stopped to overtake the vehicle ahead of it which resulted into accident. She further deposed that in the said accident Rushikesh Bhuvad sustained grievous injuries and he scummed to death. Due to the rash and negligent driving on part of driver of the offending vehicle the police of Khed police Station registered the offence vide CR No.11/2018 under section 304-A, 279, 337, 338 of Indian Penal Code and u/s 184,134(b) and 177 of M.V. Act against driver of ST Bus bearing

No. MH-14/BT-3873. While adducing the evidence the claimant specifically deposed that the respondent No.1 & 2 are jointly and severally liable to pay compensation to claimants. It is seen from the record that the Ld. Counsel of respondents cross-examined the claimant at length and put forth various suggestions in respect of actual occurrence of accident but except denial nothing fruitful brought on record.

12. In order to prove the actual occurrence of accident the claimants have brought on record the evidence of independent eye witness CW2 Shailesh Vijay Joshi at Exh.46. He specifically deposed that he is resident of Parshuram Brahmanwadi and working in Vishwas Enterprises Fabrications. On 21.01.2018 at about 2.30 p.m. he was proceeding on his motorcycle from Lote to Parshuram, at that time he was behind the ST Bus however at about 2.40 p.m. near Peer Lote village on the slope of bus stop said ST Bus overtaken vehicle in front of him and gave heavy dash to the motorcycle coming from opposite direction. After the said dash ST Bus dragged both persons on motorcycle with it. He further testified that therefore he rushed towards the spot for helping both the injured persons but ST Bus driver fled away from the spot by leaving the ST Bus on the spot itself. He further deposed that he came to know the names of injured persons in that accident as Rohit Bhuvad and Rushikesh Bhuvad. It has further come in his evidence that people carried both persons to the Life Care Hospital Chiplun for treatment in the ambulance but both declared to be dead. As regards the rash & negligent driving in the said accident is concerned, he specifically deposed that the driver of offending

Bus bearing No. MH-14/BT-3873 of Vithhawadi-Guhagar route was driving it in high speed and rash & negligent manner, therefore the police arrested him. During investigation the police made inquiry with this witness and recorded his statement as per his say.

13. The Ld.Counsel of respondent No.2 cross-examined this witness at length and put forth various suggestion but except denial nothing fruitful brought on record. On the contrary he stated during the cross-examination that the driver of ST Bus has taken the said ST Bus on second lane therefore this witness came on a parallel line of ST Bus from where he has very well seen the situation. He categorically stated that he has actually seen the occurrence of accident which was due to the fault on part of ST Bus driver. So far as remaining suggestions are concern he denied the same and Ld.Counsel of respondent No.2 could not brought on record any material circumstances in their favour.

14. It is significant to note here that inspite of proper service of summons the respondent No.1 Mangesh Namdeo Behekar the driver of offending ST Bus bearing No. MH-14/BT-3873 remained absent in this matter. However in order to rebut the evidence of claimants the respondent No.2 has examined the said driver as their witness at Exh.50. So far as the alleged accident is concerned, he testified that on 21.01.2018 he was driver on ST Bus bearing No.MH-14/BT-3873 on Vitthalwadi to Guhagar route and proceeding towards Guhagar. After taking lunch they started proceeding and came at the slope of Peer Lote Bus Stop. He further deposed that at that

time one truck was ahead of him proceeding towards Chiplun however two motorcycle rider overtook the truck and came in front of ST Bus, therefore he suddenly applied the breaks due to which the motorcycle rider got frightened and ST Bus dashed to them. He further testified that in the said accident one motorcycle rider fallen down on one side of the road and another pillion rider stucked under the ST Bus. It has further come in his evidence that due to said accident he left the ST Bus on the spot and came to Chiplun by another ST Bus and in the evening went to Khed police station. However he came to know about the death of both injured persons Rohit Bhuvad and Rushikesh Bhuvad in the said accident. He further deposed that he was not at fault in the said accident as the rider of motorcycle was not having driving licence and drove their motorcycle in high speed so accident occurred.

15. The Ld.Counsel of claimant cross-examined at length and tried to bring on record material admissions which are in favour of claimants. At the outset he admitted that he has served the summons of this case and then also he has not appeared in this case and first time produced his affidavit in court vice Exh.50. He further admitted that he came to know the date of this proceeding from employee of ST Department and it has been told that he has to give evidence in this case by filing affidavit. He further admitted that he has been prosecuted in this accident case and criminal case is pending against him in Khed Court. He further admitted after the accident he has not given complaint in Khed police station but it has been given by the conductor of the said ST Bus. He also admitted that the spot

of accident is curve road therefore it was necessary for him to drive ST Bus carefully. So far as remaining suggestions are concern he denied the same.

16. In view of above discussed oral evidence now it is necessary to scrutinize the documentary evidence on record to see that whether the rash & negligent driving on part of driver of the offending ST Bus. bus. In support of oral evidence the claimant has produced on record relevant documents vide Exh.27 to 39, 42 and 43. The certified copy of chargesheet against accused i.e respondent No.1 in CR No.11/2018 for the offences under section 304(A), 279, 337, 338 and section 134(b), 127, 184 of M.V. Act is at Exh.27. The certified copy of information of accident against respondent No.1 is at Exh.28. The certified copy of spot panchanama is at Exh.29. The certified copy of inquest panchanama of body of deceased is at Exh.30. The certified copy of postmortem report of the deceased is at Exh. 31. The verified copy of Aadhar card of claimants are at Exh.32 & 33. The SSC & HSC mark sheets of deceased are at Exh.34 & 35. The verified copy of School Leaving Certificate of deceased is at Exh.36. The verified copy of FYJC marksheet of deceased is at Exh.37. The certified copy of ferist is at Exh.42. The certified copy of statement of eye witness Shailesh Vijay Joshi in CR No.11/2018 is at Exh.43 etc.

17. In view of the above discussion on carefully scrutinizing the oral as well as documentary evidence on record it is very much clear that admittedly the deceased Rushikesh Bhuvad died in vehicular accident dated 21.01.2018. It is a matter of record that due to rash and negligent act on part of

driver of offending vehicle i.e. ST Bus bearing No. MH-14/BT-3873, the police of Khed Police Station registered the offence vide CR No.11/2018 under section 304(A), 279, 337, 338 of Indian Penal Code 1860 and under sections 134(b), 127 & 184 of the Motor Vehicle Act against the driver of offending ST Bus. The spot panchanama and other police papers itself reflects that the spot is situated on Mumbai Goa Highway at Peer Lote ST Bus Stop. The width of the road is 24 feet and ascending & descending nature. Similarly there is C curve on the spot of accident and white colour divider strip drawn at the middle of the road. The ST Bus No.MH-14/BT-3873 Vitthalvadi Guhagar route standing in slanting position and facing towards south direction. Similarly the bumper of ST Bus shown to be pressed inside in middle portion and radiator is also in damaged condition. It reflects from panchanama that due to dash by ST Bus to the motorcycle, the said motorcycle dragged upto 30-35 feet with ST Bus and therefore the tyre marks were seen on the tar road. The footwear, panel cover of the motorcycle, the pieces of glass and plastic were lying on the road. In view of such oral as well as documentary evidence on record I found that as per the maxim “res-ipsa-locutur” the situation and circumstances on the spot of accident itself speaks in volumes about rash and negligent driving of the driver of the offending ST Bus.

18. In the light of above discussion on considering the oral as well as documentary evidence on record and attending circumstances of the case I found that the claimants have very well proved that the Rushikesh died on 21.01.2018 due to the rash and negligent driving of Respondent No.1 who

was driver of the S.T. bus bearing No.MH-14/BT-3873 which was owned by respondent No.2. Accordingly I answer the issue No. 1 & 2 in the affirmative.

**AS TO ISSUES NO. 3 & 4 :-**

19. It is well settled principle of law that the amount of compensation is required to be determined after considering the various aspects and attending circumstance of the case. While adducing the oral evidence on behalf of the claimants it appears that the mother of deceased specifically deposed at Exh.25 that at the time of accident the deceased Rushikesh was 17 years 11 months old boy and due to his sudden death the claimants have suffered tremendous grief & shock and lost a financial as well as mental support of the claimants of their old age. She further testified that the deceased used to help the claimant No.2 in agricultural work, look after the cattle and also doing the work of cleaning gardens, fencing, planting and watering the trees etc. The deceased sometimes worked through labour contractor and also doing the job of house keeping and getting income Rs.7,500/- per month from all sources. He was a financial support of the family having ray of hope in their old age. A bright career and support of old age have lost due to death of their beloved son. Therefore the claimants are entitled a compensation under different heads including i.e. for the loss of support, company, love & affection as well as pain & mental agony etc. jointly and severally from the respondent No.1 & 2.

20. It is significant to note here that the claimants have reiterated the contentions of claim in respect of source of income of deceased but not produced on record any oral or documentary evidence for the same. However on carefully scrutinizing the relevant documents on record it appears that the claimants have produced on record the marksheets of SCC, HSC and FYSC vide Exh.34, 35 and 37 which shows that he was educated person able to earn for livelihood and contributing his earning to the family. Therefore as per the well settled principle of law in **Papita Parmeshwar Mhaske & Anr. Vs. Maharashtra State Road Transport, reported in 2018(1) Mh.L.J.865.**, I found that the notional income of the deceased Rs.6,000/- per month will be proper in view of the present set of facts.

21. As regards to the age of deceased is concerned, the claimants have produced on record the certified copy of school leaving certificate vide Exh.36 which shows that date of birth of deceased is 19.02.2000 and the accident occurred on 21.01.2018. It means at the time of accident the deceased was 17 years 11 months old. Therefore I found that as per the ruling of Hon'ble Supreme Court in case of **Sarla Varma and others Vs. Delhi Transport Corporation and another, 2009(2) T.A.C. 677 (S.C.)**, the multiplier 18 is applicable to the present case.

22. Having regard to the arguments advanced by Ld. Counsel of both parties, on perusing the case-laws, and on carefully scrutinizing the oral as well as documentary evidence on record it is very much clear that the claimants have very well proved that the deceased Rushikesh died in the vehicular

accident dated 21.01.2018. So far as the addition towards future prospect in the income of deceased Rushikesh is concerned, at this juncture I would like to recourse of the observation of the Hon'ble Supreme Court in case of **Bharati Axa General Insurance Company v. Poonam & Anr. reported in 2017 ACJ 67** in which it is observed that

“In case of fatal accident a quantum has to be decided in view of principles of assessments in respect of future prospect. When there is no evidence with regard to the future prospect of the deceased or no proof of permanent employment in such circumstances no addition to be made in the income for future prospect for computing compensation for his death.”

23. In view of above prepositions of law on considering the factual & legal aspects of this case it is very much clear that the claimants has failed to prove that the deceased Rushikesh was permanent employee and earning income of Rs.7,500/- per month from all sources by producing any documentary evidence. There is also not a single documentary evidence about his self employment. In such circumstances the ratio of above case law is squarely applicable to the present set of facts. So far as deduction towards personal and living expenses of deceased is concerned, it appears that the deceased was unmarried person and contributing his income towards family leaving behind two family members. However he was unmarried therefore in view of settled position of law, 1/2 deduction towards personal expenses would be deducted from the income of deceased. So far as the death of deceased

Rushikesh is concerned he was son of claimant No.1 & 2 and due to his sudden accidental death his family lost mental and financial support therefore parents are entitled the parental consortium in vehicular accidental death of their son Rushikesh.

24. In the light of above discussion at this juncture, I would like to take recourse of observation of Hon'ble Supreme Court in case of **MAGMA General Insurance Co. Ltd. Vs. Nanu Ram reported in 2019 AIR (Civil) 171** in which the Hon'ble Supreme Court observed that,

“The Motor Vehicle Act is a beneficial legislation aimed at providing a relief to the victims or their families in cases of genuine claims. Similarly in case where a parent has lost their son and the children who lost their parents the claimants are entitled filial consortium and parental consortium in vehicular accidental death under the provisions of Motor Vehicles Act.”

25. In view of the above preposition of law and considering the attending circumstances of the case I am of the view that the Rushikesh was 17 years 11 months old unmarried person and died in vehicular accident therefore his parents are entitled for the consortium. So far as the dependency aspect on the income of the deceased is concerned, the claimants have proved that the deceased Rushikesh was earning member and was contributing his income to the family. Due to the sad demise of earning member of family the claimant lost their financial & mental support. With regard to the dependency aspect is concerned, the claimant No.1 is the mother and claimant No.2 is father of the deceased, therefore they comes within purview of

dependents for seeking compensation. As such considering overall circumstances on record coupled with oral as well as documentary evidence the claimants are entitled for just compensation. As such just compensation is adequate compensation which is fair and equitable on the facts and circumstances of the case to make good the loss suffered as a result of the wrong by applying the well settled principles relating to award of compensation. Therefore following would be the calculations for assessment of the compensation amount towards the loss of dependency.

| <u>No.</u> | <u>Particulars</u>                                                               |                     | <u>Amount</u> |
|------------|----------------------------------------------------------------------------------|---------------------|---------------|
| A          | Total income per year                                                            | 6,000 X 12          | 72,000/-      |
| B          | 1/2 deductions towards personal and living expenses                              | $72,000/2 = 36,000$ | 36,000/-      |
| C          | Pecuniary loss after applying multiplier of 18 as the deceased was 18 years old. | $36,000 \times 18$  | 6,48,000/-    |
| D          | Add : Loss of Love & Affection (Rs.50,000/- to each claimant)                    |                     | 1,00,000/-    |
| E          | Add : Funeral Expenses                                                           |                     | 15,000/-      |
|            | Add : Loss of Estate                                                             |                     | 15,000/-      |
| F          | Add : Loss of filial consortium for parents (Rs.40,000 X 2)                      |                     | 80,000/-      |
|            | Total sum payable to the applicants                                              |                     | 8,58,000/-    |

26. So far as liability to pay compensation is concerned while arguing the Ld.Counsel of the claimants brought to the notice of this court that Rushikesh died in vehicular accident and at the time of accident the respondent No.1 was driver and respondent No.2 was the owner of the

offending ST Bus No.MH-14/BT-3873. Admittedly after the accident on making inquiry of the case, the offence is registered by the police of Khed Police Station against the driver of the offending ST Bus. It has brought to the notice of this Court that the claimants have cross-examined the witnesses of respondent No.2 MSRTC and brought on record material admissions which itself prove the fault on the part of the driver in such accident. The claimants have brought on record sufficient oral as well as documentary evidence to prove their claim. Therefore respondent No.1 & 2 are jointly and severally liable to pay compensation to the claimants.

27. In the light of above discussion and on carefully scrutinizing the entire evidence as well as attending circumstances of the case I found that the claimants have very well proved the accidental death of Rushikesh under the purview of section 166 of the Motor Vehicle Act. As per the settled position of law the Motor Vehicle Act is social and beneficial legislation. The real object of beneficial legislation is to compensate for loss of earning member of the family which will be achieved and compensation can be disbursed without any delay.

28. The claimants have also claimed interest @ 12% from the date of accident. However in view of observation of Hon'ble Supreme Court in case of Smt. Neeta w/o Kallappa Kadolkar and others Vs. The Divisional Manager, MSRTC, Kolhapur reported in 2015(1) T.A.C.340 (S.C.), the claimants are entitled to get interest on amount of Rs.8,58,000/- @ 7% from the date of claim i.e. 14.08.2019 till its full realization.

29. In view of above findings I come to the conclusion that the claimants have proved their claim for seeking compensation so they are entitled compensation from the respondent No.1 & 2 jointly and severally @ 7% interest on the compensation amount of Rs.8,58,000/-. Accordingly I answer the issue No.3 & 4 in the affirmative and proceed to pass following order.

**ORDER**

- 1] The claim petition is partly allowed.
- 2] The respondent No.1 & 2 are directed to pay jointly and severally the compensation amount of Rs.8,58,000/- (Rupees Eight Lac, Fifty Eight Thousands Only) with 7% interest to the claimants from the date of filing of this petition i.e. 14.08.2019 till its full realization, including NFL amount.
- 3] The aforesaid compensation amount has to be apportioned amongst claimants as follows :  
Claimant No.1 (Mother) : 4,29,000/-  
Claimant No.2 (Father) : 4,29,000/-
- 4] The amount payable to the claimants be paid in the bank account as under:  
Account in the name of :- Member Motor Accident Claim Tribunal Chiplun.  
Name of Bank :- State Bank of India, Chiplun  
Current Account No. :- 00000040716872596  
IFSC Code :- SBIN0000350
- 5] The claimants are directed to pay the deficit court fees as per rule, if any.
- 6] Award be drawn up accordingly.  
(Pronounced in open Court)

Date: 20.04.2026

(Dr. Anita S. Newase)  
Member, MACT Chiplun

### Certificate

I affirm that the contents of this P.D.F file order are same, word to word, as per the original Judgment.

|                                    |    |                  |
|------------------------------------|----|------------------|
| Case Number                        |    | MACP No.14/2021  |
| Name of Stenographer               | :- | Mrs.V.S.Kulkarni |
| Name of Court                      | :- | MACT, Chiplun.   |
| Dictated on computer by the P.O.on | :- | 20.04.2026       |
| Judgment signed by the P.O. on     | :- | 20.04.2026       |
| Judgment uploaded on               | :- | 20.04.2026       |