

CNR : MHLA010034442022



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Decided on 24.07.2026

Duration 3Y 10M 23Ds

IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL, AT LATUR.

(Presided over by: Satish N. Patil)

M.A.C.P No.207/2022

Exh.No.35.

Netaji S/o. Shrimant Jadhav,

Age: 27 Years, Occu.: Labourer,

R/o. Shivli, Tq. Ausa, Dist. Latur.

...Petitioner.

VERSUS

The Divisional Controller,

Maharashtra State Road Transport Corporation

S. T. Depot, Ambajogai Road, Latur.

...Respondent.

Appearance :

Shri. Sarfaraz K. Patel, learned Advocate for petitioner.

Shri. K.M. Sabale, learned Advocate for respondent.

J U D G M E N T

(Delivered on 24.07.2026)

This is a petition filed under Section 166 of the Motor Vehicles Act, 1988 ("the Act"), claiming compensation of Rs. 20,11,000/- for physical and functional disability suffered in a motor vehicular accident dated 14.02.2022.

The case of the petitioner succinctly is as under:

2. On 14.02.2022 at about 2:30 p.m., the petitioner had come to Ausa from his native village Shivli by jeep. While he was

proceeding on foot toward the bus stand, near the Star Pan Material shop, an S.T. Bus bearing registration No. MH-20-BL-2019 ("the Bus"), driven by driver Suresh Vishwanath Chavan (RW-1) in a rash and negligent manner, came from behind and struck him. He, therefore, fell on the road, and the Bus ran over his left leg. The accident occurred solely on account of the rash and negligent driving of the Bus driver, employed by the respondent Corporation, which owns and operates the Bus.

3. Petitioner was sustained a Grade 3 compound fracture of the distal third of the left tibia and fibula, with crush injury to the left leg. He was first treated at the Rural Hospital, Ausa, then admitted to Civil Hospital, Latur, from 15.02.2022 to 26.02.2022, where he underwent surgery. He continued outdoor treatment thereafter and consulted an orthopaedic surgeon. FIR No. 65/2022 was registered against the Bus driver at Police Station Ausa under Sections 279, 337, and 338 of the IPC.

4. At relevant time of accident, the petitioner, aged 27 and he was working as a manual labourer earning approximately Rs. 300/- per day (Rs. 9,000/- per month), on which he maintained his family. He claims the accident left him with permanent physical and functional disability, rendering him unable to stand for long periods, carry weight, sit, squat, or climb stairs, and unable to continue labour work leaving him and his family in financial distress. He claims compensation of Rs. 20,11,000/- toward loss of future earnings, pain and suffering, special diet, travelling, hospitalisation, medical expenses, and attendant charges.

5. The respondent has filed its written statement at Exh. 11, it has denied the rash and negligent driving, and disputed the petitioner's age, occupation, income, disability, and loss of earning capacity. It contends that the accident occurred on 14.02.2022, but the FIR was registered on 22.02.2022. There is an unexplained delay of eight days, which raises doubt about the implication of the Bus. It also contended that the claim is exaggerated and prayed for dismissal.

6. On the basis of the rival pleadings, the following issues were framed by my learned predecessor. My findings thereon, for the reasons stated below, are as follows:

	Issues		Findings
1.	Does petitioner prove that he sustained : grievous injuries and permanent disablement in the vehicular accident occurred on 14.02.2022 at AUSA in front of Star Pan Material Shop due to rash and negligent driving of S.T. Bus bearing registration No.MH-20-BL-2019 of respondent ?	:	Yes.
2.	Does respondent prove that it is not : liable to make payment of any compensation as claimed for ?	:	No.
3.	Is the petitioner entitled for : compensation ? If yes, and what amount ?	:	Claimant is entitled to get compensation of Rs.10,06,640/-.
4.	What order and Award ?	:	As per final order

REASONS

7. To substantiate claim, the claimant examined himself as CW-1 (Exh. 15) and Dr. Sudhakar Haribhau Gulve as CW-2 (Exh. 21), and relied on the MLC from Government Hospital, Latur (Exh. 17), the spot panchanama (Exh. 18), the FIR (Exh. 19), the injury certificate (Exh. 27), the disability certificate (Exh. 22), and X-rays (Exhs. 23–24). He closed his evidence vide pursis Exh. 27. The respondent examined driver Suresh Vishwanath Chavan as RW-1 (Exh. 29) and closed its evidence vide pursis Exh. 33.

AS TO ISSUE NOS. 1 (Accident and Negligence):

8. Shri. S.K. Patel, learned counsel for the petitioner, has submitted that the petitioner is himself an injured eyewitness. He deposed that Bus struck him from behind near the Star Pan Material shop, while he was walking toward the bus stand. It caused him to fall and the Bus has run over on his left leg. In cross-examination, his testimony has not been shaken. It is corroborated by the FIR (Exh. 19) and spot panchanama (Exh. 18), which show a narrow passage on the western side of the AUSA bus stand, where the accident occurred. A charge-sheet has also been filed against the Bus driver.

9. Shri. S.K. Patel, learned Counsel on this point relied on the settled principle of law that once a charge-sheet has been filed against a driver, no further proof of negligence is required. (**Ranjeet and Anr. v. Abdul Kayam Neb and Anr., arising out of SLP (C) No. 19351/2019.**)

10. As to the income and disability, the learned counsel for the petitioner submits that the petitioner was 27 years old at relevant time of the incident. His testimony is corroborated by the medical and police record (Exhs. 17 and 19). He further submits that PW-2 Dr. Sudhakar Gulve, who clinically and radiologically examined the petitioner, found a mal-united compound fracture of the tibia and fibula with a non-healing ulcer over the lateral aspect of the left leg, restricted ankle movement, and reduced strength in the left lower extremity. Accordingly, he issued a disability certificate (Exh. 22) assessing 50.8% permanent limb disability. P.W. No.2 Dr. Gulve deposed that the petitioner can no longer perform labour work as before. In his cross-examination, nothing is elicited to discredit this finding beyond the absence of the petitioner's signature on the certificate.

11. Learned counsel for the petitioner further urged that the petitioner's income should be computed as a "skilled" worker under Zone 3 vide Notification No. KVA/1018/CR-215/LAB-7 dated 10.08.2020 (issued by the Labour Department, Maharashtra) and it be computed at Rs. 12,665/- per month, rather than the pleaded Rs.9,000/-.

12. Learned counsel for the petitioner further contends that a claimant's functional and occupational prospects, once impaired, must be compensated with an appropriate percentage of future prospects, and that Tribunals should not adopt an unduly conservative view of a claimant's income merely because formal

wage records are unavailable. In this regard, he placed reliance on **Maulla Ram v. Shamsher Singh and Ors., SLP (C) No. 28014/2018.**

13. He further relied on **Sri Nagarajappa v. Divisional Manager, Oriental Insurance Co. Ltd., 2011 (3) ALL MR 415 (SC)**, wherein the Hon'ble Supreme Court held that the appellant is working as a manual labourer, for which he requires the use of both his hands. The fact that the accident has left him with one useless hand will severely affect his ability to perform his work as a coolie or any other manual work, and this has also been certified by the doctor. Thus, while awarding compensation it has to be kept in mind that the appellant is to do manual work for the rest of his life without full use of his left hand, and this is bound to affect the quality of his work and also his ability to find work considering his disability. Hence, while computing loss of future income, disability should be taken to be 68% and not 20%, as was done by the Tribunal and the High Court.

14. He submitted that a manual labourer's loss of future income must be assessed with reference to the real impact of the disability on his specific occupation, not a mechanically applied whole-body percentage. On this point, he placed reliance on **Savitha v. Cholanmandalam MS General Insurance Co. Ltd. and Ors., 2020 ACJ 509 (SC)**, where the Tribunal's and Hon'ble High Court's downward revision of a doctor's disability assessment, without adequate reason, was set aside by Hon'ble Apex Court. Hence, he prays to allow the claim petition as prayed.

15. Per contra, Shri. Sable, learned counsel for respondent submitted that R.W.-1 deposed that the petitioner was in an inebriated condition and came under the Bus of his own accord and it should be considered. He pointed out the medical document Exh.26 page No.24, wherein it is mentioned that petitioner daily take 1-2 quarter of alcohol. Hence, he prays to reject petition.

16. I have assessed the evidence in the light of submission of both parties and aforesaid rulings. The testimony of CW-1 Netaji is consistent with his pleadings. He has explicitly stated that on 14.2.2022, at 04:30 p.m. while he was walking towards AUSA Bus Stand, near Star Pan Material shop, the offending bus approach him behind in high speed, rash and negligent manner and struck to him.

17. In his cross-examination, nothing fruitful is brought on record. His testimony remained unshaken in cross-examination. The cross-examination of the CW-1 is in form of suggestion, which is culminated into denial. So, no material admission are yielded, capable of discrediting his core testimony regarding the manner of accident. Furthermore, his oral testimony finds strong corroboration by the FIR (Exh.19), spot panchanama (Exh.18), and filing of the charge-sheet against the Bus driver under Section 279, 337 and 338 of the IPC. The spot panchanama Exh.18 establishes the site of the accident on road near AUSA bus stand. It proves petitioner was pedestrian and heading towards bus stop, while bus dashed to him.

18. It is well settled principle of law that in the proceeding

under motor Vehicles Act proof of negligence is tasted in a touchstone of pre-ponderance of probability. In case of Ranjeet (supra), it is held that no further proof of negligence is required once a charge-sheet has been filed. So, in view of the said oral testimony coupled with the document and in absence of rebuttal, I have no hesitation to hold that the accident is occurred solely due to the rash and negligent driving of the S.T. Bus driver.

19. Admittedly, there is delay of eight days in the registration of FIR. However, in a Motor Accidents claim victimized party always priorities the medical treatment over the registration of the Police Report. The medical record demonstrates that after accident the petitioner immediately rushed to Rural Hospital, Ausa. Subsequently, he was admitted in Government Hospital, Latur. So, in such emergency a delay of 8 days in lodging FIR is plausible. It does not cast doubt on genuineness of the claim.

20. The respondent raised second contention that the petitioner was in inebriated condition. However, the respondent has not raised the plea of intoxication or contributory negligence of the petitioner in his written statement. So, the evidence of RW-1 is beyond the pleading. It is therefore, kept out of consideration.

21. No doubt, the Medical Report (Exh. 26) does record that the petitioner consumes alcohol, but also records that his last drink was 15 days before the accident, which does not support any inference of intoxication at the time of the accident. I therefore hold that the the accident is occurred due to the rash and negligent

driving of the Bus driver and he is responsible for the same. Hence, I answer issue No.1 in the affirmative.

AS TO ISSUE NOS.2 TO 4 (Age, income, disability and compensation):

22. Since issue No.2 to 4 are interlinked to each others and the evidence is intrinsically interconnected. They are therefore, taken-up together for discussion to avoid repetition and maintained the brevity.

23. So far as disability is concerned, PW-2 Dr. Gulve has assessed it 50.8%. But he is not treating doctor of the petitioner. He examined the petitioner only once, on 05.01.2024, nearly two years after the accident and he issued a ready-made certificate. In his cross-examination, he admitted that he frequently issues such certificates and regularly deposes in court. However, he is being expert and examined the petitioner clinically and radiologically. I therefore, accept his testimony that the petitioner has suffered lower limb disability of 50.8%.

24. Now, it is for the tribunal to determine the functional disability of the petitioner and to assess, whether the said disability of 50.8% actually impacted the earning capacity of the petitioner, and prevented him to continue his work vocation. The petitioner is unskilled manual labour. His livelihood relies on continuous standing, load carrying, walking. His manual labour work inherently requires prolonged standing, lifting, climbing, and mobility. The mal-

united fracture with ulceration on left lower limb certainly, curtails his ability to perform manual labour work. So, balancing the medical evidence with occupational realities, I assess his permanent functional disability i.e. loss of earning capacity at 35%.

25. As far as age and income of the petitioner is concerned, the petitioner deposed at relevant time of incident he was 27 years old. His testimony is supported by medical record (Exhs. 17, 19). In his cross-examination, nothing is brought on record to discredit his oral testimony and aforesaid documentary evidence. So, he has established that at the relevant time of incident, he was 27 years old.

26. At relevant time of incident, the petitioner was manual labour. His learned counsel contends that he be treated as skilled worker as per the aforesaid circular and he placed reliance on the ruling of the Hon'ble Supreme Court in the case of **Hitesh Patel Vs. Bababhai Nagjibhai Rabarai and Anr. Civil Appeal No.10278/2025 (Arising out of SLP(C) No.14444/2025)**, wherein the Hon'ble Apex Court observed that, for the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matric of minimum wages payable to a skilled worker in the respective State at the relevant point of time.

27. I have gone through the said ruling. It is in respect of calculation of income of minor child. However, in this case, the petitioner has specifically pleaded and proved that he is unskilled

labour and earning Rs.300/- per day, Rs.9,000/- per month. So in view of his evidence, I considered him as manual unskilled labour and calculate his notional income Rs.300/- per day i.e. Rs.9,000/- per month.

28. Having regard to the Judgment of Hon'ble Supreme Court in case of **National Insurance Co. Ltd. v. Pranay Sethi and Ors. (SLP (Civil) No. 25590/2014)**, since the petitioner is under 40 years of age and self-employed, an addition of 40% towards future prospects is warranted.

29. The applicable multiplier for age 27 falling within the 26–30 bracket per the case of **Smt. Sarla Verma and Ors. Vs. Delhi Transport Corporation and Anr. Civil Appeal No.3483/2008 (Arising out of SLP (C) No.8648/2007)**, as affirmed in Pranay Sethi is 17.

30. In **Raj Kumar v. Ajay Kumar and Another (Civil Appeal No. 8981/2010)**, the Hon'ble Supreme Court categorized the heads of compensation in personal injury claims into pecuniary damages (medical expenses, loss of earnings during treatment, loss of future earnings due to disability, future medical costs) and non-pecuniary damages (pain and suffering, loss of amenities). Where permanent functional disability is established by cogent medical proof, the Tribunal must secure the claimant against the erosion of his future livelihood.

31. So, the calculation of the compensation is structured as follows:

Compensation Heads	Amount Awarded	In accordance with:
Monthly Income	Rs.9,000/-	Baby Sakshi Greola Vs. Manzoor Ahmad Simon and Another, (2022) 7 SCC 738 Para 10
Yearly Income	Rs.1,08,000/-	
Future prospects (40%)	Rs.1,08,000/- + Rs.43,200/- = Rs.1,51,200/-	National Insurance Co. Ltd. Vs. Pranay Sethi (2017) 16 SCC 680 Para 42 and 59
Multiplier (17)	Rs.1,51,200/-x 17 = Rs.25,70,400/-	
Permanent disability (35%)	35% of Rs.25,70,400/- =Rs.8,99,640/-	Mohd. Sabeer Vs. U.P. SRTC, (2023) 20 SCC 774 Para 12-15
Loss of Income/Future Earnings due to Disability	Rs.8,99,640/-	
Special diet	Rs.9,000/-	Sidram Vs. Divisional Manager, United Indian Insurance Ltd. (2023) 3 SCC 439 Para 63-66, 89 Kajal Vs. Jagdish Chand, (2020) 4 SCC 413 Para 19, 26, 28, 29
Loss of Income during treatment	Rs.9,000/-	
Attendant charges for 3 months @ Rs. 100/- per day	Rs.9,000/-	
Pain and Suffering	Rs.50,000/-	

Compensation Heads	Amount Awarded	In accordance with:
Medical and Transportation charges	Rs.10,000/-	Sanjay Rajpoot Vs. Ram Singh, 2025 SCC OnLine SC 285, Para 12 Mallikarjun Vs. Ntional Insurance Co.Ltd., (2014) 14 SCC 396 Para 13 Para 12-15
Loss of Amenities	Rs.20,000/-	
Total	Rs.10,06,640/-	
Net amount payable	Rs.10,06,640/-	

32. Accordingly, the respondent is held liable to pay compensation of Rs. 10,06,640/- to the claimant. The claimant has paid court fees of Rs. 375/-; he shall pay deficit court fees. Admittedly, the Bus driver has not been separately impleaded as party in the petition. But that does not affect the Corporation's vicarious liability as owner and operator of the Bus. Hence, respondent is liable to pay the said amount to petitioner.

33. As far as interest is concerned as per Section 171 of the Motor Vehicles Act, 1988, the claimant is entitled to get 7% per annum interest on the said amount from the date of filing of the

petition, i.e., 30.08.2022, until realization of the entire amount. Hence, I answer issue No.2 to 4 accordingly and pass the following order.

FINAL ORDER

1. M.A.C.P No. 207 of 2022 is hereby allowed with costs.
2. Respondent M.S.R.T.C. do pay a compensation of Rs. 10,06,640/- (Rupees Ten Lakh Six Thousand Six Hundred and Forty only) to the petitioner under Section 166 of the Motor Vehicles Act, 1988, together with interest at 7% per annum from 30.08.2022 until realization of amount.
3. On deposit or realization, the amount shall be transferred to the petitioner by account-payee cheque or NEFT.
4. The claimant shall file a self-attested photocopy of the first page of his bank passbook to facilitate NEFT transfer.
5. The claimant has paid court fees of Rs. 375/- only. He shall deposit the deficit court fees, if any within two weeks from today. The execution of the award shall be strictly subject to the prior payment of the deficit court fees.
6. Award be drawn up accordingly.
(Dictated and pronounced in the open Tribunal)

Date : 24/07/2026.

(Satish N. Patil)
District Judge-5 &
Member, M.A.C.T., Latur.