

MHSN040010232022



Presented on : 11/10/2022
Registered on : 12/10/2022
Decided on : 25/03/2026
Duration : 03 Ys., 05 Ms., 14 Ds.

**BEFORE THE MEMBER, MOTOR ACCIDENT CLAIMS
TRIBUNAL, ISLAMPUR, DISTRICT SANGLI.**

(PRESIDED OVER BY SMT. A. H. KASHIKAR)

Motor Accident Claim Petition No.70/2022

(Exhibit No.:)

- [1. Jalindar Anna Patil
Age: 62 years, Occupation : Nil,
R/o Pokharni, Tal. Walwa, Dist. Sangli]
(Deleted as per order below Exh.40)
2. Suman Jalindar Patil
Age: 57 years, Occupation : Household,
R/o Pokharni, Tal. Walwa, Dist. Sangli
3. Anita Akshay Jadhav
Age: 25 years, Occupation : Household,
R/o Pokharni, Tal. Walwa, Dist. Sangli. ... **Claimants**

Versus

1. Dinkar Jagannath Maske
Age: 55 years, Occupation : Service,
R/o: Harijan Vasahat, Bavchi,
Tal. Walwa, Dist. Sangli.
2. Pratik Dinkar Maske,
Age: 28 years, Occupation : Service,
R/o: Harijan Vasahat, Bavchi,
Tal. Walwa, Dist. Sangli. ... **Respondents**

3. Santosh Tanaji Maske
Age: 24 years, Occupation : Driver,
R/o: Bavachi, Tal. Walawa, Dist Sangli. ... Respondents

Advocate for Claimants : Shri. C. R. Patil.

Advocate for Respondent No.1 to 3 : Shri. S.M.Nawale

Claim U/s. 166 of M. V Act.

JUDGMENT

[Delivered on 25/03/2026]

By this petition under Section 166 of the Motor Vehicles Act, 1988, the claimant No.1 to 3 have prayed for compensation of Rs.41,55,000/- on account of death of deceased Rajendra Jalindar Patil in a vehicular accident dated 31/07/2022.

The factual matrix giving rise to the claim are as under :-

2. The claimants no.1 to 3 have filed this claim petition for getting compensation on account of death Rajendra Jalindar Patil occurred in motor accident taken place on dated 31/07/2022. On the intervening day at about 11.45 p.m., the deceased was coming from Ashta to Islampur road on motorcycle No.MH-10-DW-2118 with his friend Vinayak. While they reached near Bavachi Phata, Mahalaxmi Udyog's Indian Petrol Pump, one vehicle i.e. Bolero vehicle No.MH-10-BA-7714 came in high speed from opposite side and gave tremendous dash to the vehicle of deceased. The deceased was riding the motorcycle slowly, cautiously along with correct side of the road and following all traffic rules. The incident occurred as the driver of above offending vehicle came from their opposite direction in high speed and also in rash and negligent manner without observing traffic rules. The deceased Rajendra Patil sustained fatal accidental injuries and

subsequently died. FIR vide Crime No.238/2022 at Ashta police came to be registered against respondent No.3, who was driving the vehicle at the relevant time of accident.

3. It is further submitted that prior to the incident, the deceased Rajendra was strong and healthy person of 30 years. He was doing work as driver on the tractor owned by Uttam Patil. He was also engaged in animal husbandry and was doing available labour job thereby he was getting around Rs.30,000/- p.m. Deceased was hard worker. He was having good support in the family. Thus, he was having good future prospects in his work and business. His income would have increased more than double if he would not have met with the tragic accident. Due to his sudden death, the claimants have sustained irreparable loss. Claimant no.1 is father, claimant no.2 is mother and claimant no.3 is sister of deceased. During case proceeding claimant no.1 died, hence claim proceeded by claimant no.2 and 3 only. Due to said accidental death, the claimant no.2 have lost her child, his love, affection and income. The claimant No.3 have lost her beloved brother and his affection. They were constrained to bear the expenses of funeral and allied formalities due to sudden death of deceased. The claimants have lost dependency, consortium, love and affection respectively. Hence, they prayed for grant of compensation.

4. The respondent No.1 is the owner of offending vehicle. Respondent No.3 is the driver and respondent No.2 was added as driver but claimants came to know that vehicle was driven by respondent no.3. Hence they amended the claim. The accident was caused due to rash and negligent driving on the part of respondent No.3 and said vehicle was owned by respondent No.1. The claimants submitted that due to the accidental death of deceased, they have lost

everything. Therefore, by filing of the present claim petition they claimed to the compensation of Rs.41,55,000/- along with interest thereon, from respondent No.1 and 3 jointly and severally.

5. The respondent No.1 and 3 appeared and filed written statement below Exh.50. They denied the claim in toto. It is categorically stated by them, that offending vehicle was never parked from the spot of incident at any point of time, therefore respondent no.1 cannot be made liable for compensation. The charge-sheet filed against respondent no.3 shows, that incident occurred due to negligence of deceased. The present application do not show any negligence on the part of respondent no.3. The respondents have no knowledge of this incident. Hence, the claim having no merit is liable to be dismissed.

6. On rival pleadings of all the parties, my predecessor framed the issues (Exh.51) and I have given my findings thereon with the reasons as discussed below.

SR.No.	ISSUES	FINDINGS
1	Whether claimants prove that death of deceased Rajendra Jalindar Patil occurred in motor accident occurred on 31.07.2022 on Bavachi Phata, near Mahalaxmi Udyog Samuh, in front of Indian Petrol Pump, due to rash or negligent driving of Bolleor vehicle bearing registration No.MH-10/BA-7714 by respondent No.3, owned by respondent No.1?	In the affirmative.
2.	Whether claimants are entitled for	Yes,

	compensation? If yes, what will be the quantum and from whom ?	Rs.22,52,000/- from respondent No.1 and 3 jointly and severally.
3.	Whether claimants are entitled to interest ? If yes, at what rate ?	Interest @ 7%
4.	What order and Award?	As per final order.

REASONS

7. Ld. Counsel for claimants has advanced oral arguments. Respondent no.1 and 3 though appeared and filed written statement, failed to contest the proceeding. Oral arguments is also not advanced by them.

8. Accidental death or injuries always bring financial stress on the families of deceased or injured as the case may be. Therefore, monetary security of victims is immensely necessary. The primary object of Motorcycle Vehicles Act aims at regularizing the use of motor vehicles and to compensate victims who are injured or died in accident and family members and dependents of deceased victims. It is well settled that in case of motor accident claim, an endeavor made to put the claimants in the pre-accidental position. The damages to be awarded are to be adequate in terms of money so that the injured / claimants are put in the same position had they not suffered the loss on account of wrong of the respondent, though no amount of compensation can restore the loss of limb or experience of pain or loss of life.

9. It is a case of fault liability. The persons who brings the petition for compensation must show that the respondent driver was negligent at the time of accident. For a person to be legally responsible for his action, it is essential to have evidence that he is at fault. The negligence and rashness are the acts which needs to be established by the persons claiming compensation. Therefore, the evidence laid by parties needs to be evaluated to arrive at the conclusion of any fault liability on the part of respondents.

10. As it transpires from the record, claimant No.3 has tendered her claim affidavit (Exh.29 and 53) as CW1 under Order XVIII Rule 4 of the Code of Civil Procedure on behalf of claimants and placed documents on record such as F.I.R. in Crime No. 238/2022 below Exh.30, Spot panchanama below Exh.31, inquest panchanama below Exh.32, postmortem report Exh.33 and their Adhar Cards below Exh.34 to 36.

11. Respondent No.1 and 3 have chosen not to lead any oral evidence on their behalf.

12. Considering said oral and documentary evidence, I have determined the issues framed below Exh.51.

AS TO POINT NO.1 :-

13. On the point of rash and negligent driving on the part of respondent No.3, CW1 has deposed in terms of claim petition elaborating the incident. Respondent No.1 and 3 failed to lead cross-examination of CW 1 thereby the evidence of CW 1 regarding incident remained unchallenged. Further more, claimants have produced the copy of F.I.R. in Crime No.238/2022, which shows that respondent

No.3 has been booked for the offences of rash and negligent driving under Section 279 and 304A of I.P.C. as said accident took place due to rash driving of respondent No.3.

14. It is pertinent to note that admittedly respondent No.1 is the owner of offending vehicle whereas respondent No.3 is its driver. In the written statement they have put the defence of non-involvement of offending vehicle. However, they failed to prove the same either by cross-examination of claimant or tendering any ocular or documentary evidence. Hence I hold that the defence laid by respondents is of no merit.

15. In the present matter it is undisputed that the deceased Rajendra Patil was died in an accident occurred on dated 31/07/2022. The involvement of offending vehicle bearing registration No.MH-10/BA-7714 is duly proved. The F.I.R. and charge-sheet has been filed against respondent No.3 only, who has faced trial for the offence for the offences under Section 279 and 304A of IPC thereby it can be very well presumed that he was responsible for that accident.

16. Therefore, considering all these facts, I have arrived at the conclusion that the claimant No.1 has proved issue No.1 by cogent and convincing evidence. Resultantly, I have answered issue No.1 in the affirmative.

AS TO ISSUE NO.2 AND 3 :-

17. In view of the findings as to issue No.1, it is crystal clear that the death of deceased Rajendra Patil resulted due to the accident taken place on dated 31/07/2022 on the alleged spot. The rash and negligent driving on the part of respondent No.3 who drove Car

bearing registration No. MH-10/BA-7714 is also proved by the claimants. Therefore, I hold that the claimants are entitled for compensation. The claimant No.2 is mother and claimant no.3 is sister of deceased. They are dependents within the meaning of Section 2(1) (d) of the Workman Compensation Act, 1923. Therefore, they are entitled to claim compensation.

18. Respondent No.3 is the driver of offending Car and respondent No.1 is owner of said Car. Therefore, the liability definitely arises against respondent No.1 and 3. Hence, I hold that respondent No.1 and 3 are jointly and severally liable to pay compensation to the claimants.

19. Now vital point is what shall be 'just compensation' to be paid to the claimants. The 'just compensation' obviously suggests application of fair and equitable principles and reasonable approach on the part of this Tribunal. The reasonableness must be on a large peripheral field and should be guided by principles of good conscience, so that ultimate result become just and equitable.

20. Section 168 of Motor Vehicle Act dealt with fair compensation. The same has to be determined on the foundation of fairness, reasonableness and equitability on an acceptable legal standard. The aim is to achieve acceptable degree of proximity to arithmetical precision on the basis of materials brought on record in an individual case.

21. On the point of compensation and income of deceased the claimant has not examined any independent witness but CW 1 orally deposed that deceased was doing labour job and also running

business. Since deceased was not doing any salaried job, it is just to consider his monthly notional income. It is considered that deceased was earning Rs.15,000/- p.m. as labour. The deceased was of 30 years age at the time of incident. So the multiplier applicable in the present case is 17.

22. Considering the aforesaid aspect, It will be proper to hold that the income of deceased was Rs.15,000/- per month. The addition of 40% future prospects would be of Rs.6,000/- of the net income of Rs.15,000/-. The same will be Rs.15,000/- + Rs.6,000/- = Rs.21,000/-. The personal expenses would be 50% of his income. So the deduction shall be of 50% of his income which would come to Rs.10,500/-. The monthly income of the deceased would come to Rs.10,500/- and the annual income comes to Rs.1,26,000/-. Said income needs to be multiplied by the multiplicand of '17'. The same shall be Rs.21,42,000/-. The addition of Funeral and consortium to claimants collectively shall be Rs.30,000/- and Rs.80,000/- (Rs.15,000/- and Rs.40,000/- each for claimant No.2 and 3) respectively. The total of the aforesaid amount comes to Rs.22,52,000/-.

23. As such I hold that the claimants are entitled to get total amount of Rs.22,52,000/- towards compensation on all counts.

24. The claimants have prayed for interest @ of 18% p.a. from the date of accident, till its realization. However, considering the overall aspect, I hold that the claimants are entitled for future interest @ 7% p.a. and proportionate cost.

25. The claimant No.2 is mother and claimant No.3 is sister of deceased. Therefore, I hold that the compensation may be divided with the proportion of 75% and 25% respectively to claimant No.2 and 2. Hence, I have answered issue Nos.2 and 3 accordingly.

AS TO ISSUE NO.4 -

26. In view of the findings of issue Nos.1 to 3, I hold that the claim petition deserves to be allowed partly with the following order :-

ORDER

- (1) The claim petition is partly allowed with proportionate costs.
- (2) The respondent No.1 and 3 are jointly and severally liable to pay, compensation of Rs.22,52,000/- (Rs.Twenty Two Lakh Fifty two Thousand only) [inclusive of the no-fault liability compensation granted under Section 140 of the M.V.Act, if any], to the claimant Nos.2 & 3 with interest @ 7 (seven) per cent per annum from the date of institution of the petition till its complete realization.
- (3) Out of total compensation amount, 75% is payable to claimant No.2 and 25% is payable to claimant no.3.
- (4) The respondents are directed to deposit the above stated amount in the account of Member, MACT, i.e.

Name of Account	-	Member MACT Islampur
Bank Name	-	State Bank of India
Branch	-	Urun Islampur
Account No.	-	40662542602
IFS Code	-	SBIN0000534

(5) The compensation amount along with accrued interest be deposited in the Tribunal and shall be paid to the claimants only by account payee cheque or NEFT.

(6) Out of total compensation amount, an amount of Rs.3,00,000/- (Rs.Three Lakh only) and Rs.1,50,000/- (Rs. One Lakh Fifty Thousand only) be deposited in the name of claimant No.2 & 3, respectively in Fixed Deposit, in any nationalized Bank.

(7) Award be drawn up accordingly after payment of deficit Court fee.

(Pronounced in open Court.)

Islampur.
Dt.25/03/2026

(A. H. Kashikar)
Adhoc District Judge-1 &
Member, M.A.C.T., Islampur.