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IN THE COURT OF MOTOR ACCIDENT CLAIM TRIBUNAL
AT : SATARA
(Presided over by S.R.Tamboli, Member, M.A.C.T. Satara)

Motor Accident Claim Petition No.213 OF 2015

Exhibit No.49

1) **Jagannath Krishna Sabale**
Age: 55, Occupation : Service,

2) **Amar Jagannath Sabale,**
Age: 28, Occupation : Service,

3) **Jyoti Jagannath Sabale,**
Age: 27, Occupation : Service,

4) **Aniket Jagannath Sabale,**
Age: 25, Occupation : Service,
Nos.1 to 4 all Resident of At Post- Shivthar,
Taluka and District Satara. **... Applicants.**

Versus

1) **Prop. A. M. D'souza,**
Age : Adult, Occupation : Business,
R/o.: Flat No.C/8, Gold Coin Apartment
Nehru Road Opp. S. T. Antony Church
Vakola, Santacuz (E), Mumbai.

2] National Insurance Co. Ltd.,
Branch Office, " Ganeshchandra Chember"
Powai Naka, Satara. **...Respondents**

DEATH CLAIM U/S.166 OF MOTOR VEHICLES ACT

APPEARANCE :

Mr. H. V. Veer, Advocate for the Applicants.

Mr. S. B. Govekar, Advocate for Respondent No.2

Ex-parte against Respondent No.1

JUDGMENT

(Delivered on 19th August, 2026)

1. In the present claim petition, the applicants have sought compensation under Section 166 of the Motor Vehicles Act.

2. In brief, the case of the applicants is that on 26/12/2014, Parwati Jagannath Sable was travelling in an Indigo Car bearing Registration No. MH-14-BA-4500 from Pune to Shivthar. Suhas Shinde was driving the said car carefully and cautiously. When the car reached within the limits of Village Kikvi, Suhas, after giving the necessary indicator, was taking a right turn. At that time, a Volvo Bus bearing Registration No. MH-04-GP-0143 came from the Pune side. The driver of the said bus drove it in a rash and negligent manner and gave a forceful dash to the rear right-side door of the car. Thereafter, the driver of the Volvo Bus fled from the spot along with the bus. As a result of the accident, Parwati sustained multiple injuries and died on the spot. The Rajgad Police registered the offence and, after investigation, filed a

charge-sheet against the driver of the Volvo Bus for causing the death of Parwati by rash and negligent driving. The said bus was owned by respondent No. 1 and was insured with respondent No. 2. At the time of the accident, Parwati was 47 years of age. She was engaged in tailoring work and was earning Rs. 6,000/- per month. She was also supervising agricultural land. In addition, she was rendering domestic services to her family as a homemaker. According to the applicants, the value of her domestic services was Rs. 9,000/- per month. Thus, her total monthly income was Rs. 17,000/-.Applicant No. 1 is the husband of the deceased, Applicant Nos. 2 and 4 are her sons, and Applicant No. 3 is her daughter. The applicants have claimed compensation of Rs. 25,67,000/- from the respondents.

3. The claim petition proceeded ex-parte against respondent No. 1.

4. Respondent No. 2 contested the claim petition, *inter alia*, contending that the driver of the Volvo Bus was driving the vehicle slowly and cautiously. According to respondent No. 2, the driver of the Indigo Car bearing Registration No. MH-14-BA-4500 drove the vehicle without due care and caution and suddenly attempted to cross the road, coming in front of the Volvo Bus. Therefore, according to respondent No. 2, the accident occurred solely due to the negligence of the driver of the car. Alternatively, it was contended that the driver of the car had contributed to the occurrence of the accident. The applicants have claimed excessive

compensation. It was also contended that the insurer of the Indigo Car had not been impleaded as a party to the claim petition and, therefore, the claim petition is bad for non-joinder of a necessary party. Although the Volvo Bus possessed a valid permit and fitness certificate to ply on the road, its driver was not holding a valid and effective driving licence. Consequently, respondent No. 1 had committed a breach of the terms and conditions of the insurance policy, and therefore respondent No. 2 is not liable to indemnify the insured or pay any compensation.

5. My learned predecessor-in-office framed the following issues below Exhibit 19. My findings thereon, along with the reasons, are as follows:

Sr. No.	Issues	Findings
1.	Whether claimants prove that, the deceased Parwati Jagannath Sabale died on 26/12/2014 at 10.30 p.m. on Pune- Satara Road within the limits of village Kikavi, Taluka Bhor, District Pune in a motor vehicular accident due to rash and negligent driving of the Volvo Bus No.MH-04-GP-0143 by its driver?	In the affirmative.
2.	Whether the opponent No.2 proves that deceased is guilty of contributory negligence ? If yes, to what extent?	In the negative

Sr. No.	Issues	Findings
3.	Whether the claimants entitled to compensation? If yes, what amount and from whom?	Partly In the affirmative
4.	What order?	As per the final order.

:: REASONS ::

Issue Nos. 1 and 2:

6. To prove the accident, Applicant No. 1 examined himself. He reiterated the contents of the claim petition. He is not an eye-witness to the accident and has deposed on the basis of the police papers. The complaint lodged by Suhas Shinde (Exh. 29) shows that, on the date of the incident, the driver of the Volvo Bus drove the bus in a rash and negligent manner and dashed it against the car, thereby causing the death of Parwati. The FIR (Exh. 30), spot panchanama (Exh. 31), panchanama of the Volvo Bus (Exh. 32), inquest panchanama (Exh. 33), and Medical Certificate of Cause of Death (Exh. 34) corroborate the testimony of Applicant No. 1. There is no reason to disbelieve the police papers.

7. Respondent No. 2 has contended that the driver of the car contributed to the occurrence of the accident. However, respondent No. 2 has neither examined the driver of the Volvo Bus nor adduced any other evidence to substantiate the said contention. It is also an admitted fact that a charge-sheet has been filed against the driver of the Volvo Bus. Therefore, it can safely be

inferred that the driver of the Volvo Bus was solely responsible for causing the accident. Respondent No. 2 has failed to establish that the driver of the car either solely caused or contributed to the accident.

8. Respondent No. 2 has further contended that the Volvo Bus did not possess a valid permit or fitness certificate and that its driver was not holding a valid and effective driving license.

9. The applicants have produced the driving licence of the driver of the Volvo Bus (Exh. 48) as well as his badge (Exh. 47). These documents establish that the driver of the Volvo Bus possessed a valid driving license.

10. No doubt, the permit and fitness certificate of the bus have not been produced on record. However, the absence of a permit or fitness certificate has no nexus with the cause of the accident. At the highest, it may constitute a separate statutory violation under the provisions of the Motor Vehicles Act, but it cannot be said to have contributed to the occurrence of the accident.

11. The evidence on record clearly establishes that it was the driver of the Volvo Bus who drove the vehicle in a rash and negligent manner and caused the death of the deceased. Accordingly, I answer Issue No. 1 in the affirmative and Issue No. 2 in the negative.

Issue No.3 -

12. Applicants have produced insurance policy (Exh.36). It shows that Volva Bus was insured with respondent No.2. Hence, respondent No.2 is liable to pay the compensation.

13. Learned counsel for the applicants placed reliance on a decision of the Hon'ble Supreme Court in the case of Shishu Pal @ Shish Ram and Ors. Vs. Surjeet and Ors.,MANU/SC/0631/2026. In the said case, the Hon'ble Supreme Court observed as under.

"Loss Of Domestic Care: An Additional Head

20. It is in these circumstances, that we deem it appropriate to direct that when a Motor Accidents Claim Tribunal or the High Court or this Court is concerned with or a case involving the death of a homemaker, in order to overcome the inherent disadvantage accrued against the homemaker on a calculation of compensation on the basis of conservatively computed notional income and while being acutely aware of the dictum in Pranay Sethi (supra) regarding loss of consortium as also the disposition towards uniformity, that for the three major heads ***(the homemaker's contribution towards smooth functioning of the household, the loss of maternal support for children and loss of spousal support/the support and care of their child who is an adult, for the parents of the deceased****) discussed in the foregoing paragraphs, a composite sum of Rs. 30,000/- shall be added under the head of 'loss of domestic care', provided that all three of these heads are met in the given case. This determination shall be revised by 10%, cumulatively, every three years. It may be clearly stated that this amount of Rs. 30,000/- i.e, loss of domestic care is to be taken as a* *'stand-in' (basic minimum monthly income) for monthly income in those cases where the homemaker does not have an input into the house, in strictly conventional, monetary terms. In those cases where the homemaker is part of the workforce, the component of loss of domestic care shall be in addition to the monthly income as may be proved before the Tribunal/Courts."*

14. Relying on the ratio laid down in the aforesaid case, the learned counsel for the applicants prayed for the grant of compensation by considering the income of the deceased at Rs. 30,000/- per month on account of the loss of domestic care.

15. Mr. Veer, learned counsel for the applicants, also relied upon the evidence of Applicant No. 1, who deposed that the deceased was working as a maid servant and was earning Rs. 8,000/- per month from the said work. He further stated that she was engaged in tailoring work and was earning Rs. 6,000/- per month. In addition, the deceased was managing the agricultural land belonging to the family, as reflected in the 7/12 extracts and the revenue records produced at Exhibits 39 and 40. According to learned counsel for the applicants, the value of the services rendered by the deceased in managing the agricultural land was Rs. 3,000/- per month. Thus, it was contended that the total monthly income of the deceased was Rs. 17,000/-. As per the ratio laid down in *Shishu Pal* (supra), the loss of domestic services should be valued at Rs. 30,000/- per month. Therefore, he submitted that the monthly income of the deceased ought to be

assessed at Rs. 47,000/- per month.

16. Per contra, Mr. Govekar, learned counsel for respondent No. 2, submitted that the judgment delivered in Shishu Pal (supra) has been challenged by The New India Assurance Company Ltd. by filing a review petition. Therefore, according to him, the amount of Rs. 30,000/- towards loss of domestic care cannot be awarded. He further submitted that the said judgment was rendered in the peculiar facts and circumstances of that case and, therefore, the ratio laid down therein is confined to the facts of that case alone.

17. However, Mr. Govekar, learned counsel for respondent No. 2, has not brought to my notice any material to show that the ratio laid down in Shishu Pal (supra) is inapplicable to the facts and circumstances of the present case. It does not appear that the Hon'ble Supreme Court has either passed any order staying the operation of the judgment in Shishu Pal (supra) or made any observations affecting its binding nature while considering the review petition. Mere filing of a review petition is not a ground to hold that the judgment has been stayed or overruled. Hence, I find no substance in the contention advanced by the learned counsel for respondent No. 2.

18. Mr. S. B. Govekar, learned counsel for respondent No. 2, placed reliance upon the decision of the Hon'ble Supreme Court in *Lata Wadhwa & Ors. v. State of Bihar & Ors.*, (2001) 8 SCC 197.

In the said case, a fire broke out in a pandal erected for celebrating the birth anniversary of Sir Jamshedji Tata within the factory premises of Tata Iron and Steel Company. In the said fire, 60 persons died and 113 persons were injured. While determining the compensation payable on account of the death of housewives in the said incident, the Hon'ble Supreme Court took into consideration the multifarious services rendered by housewives in managing their entire families and notionally assessed their monthly income at Rs. 3,000/-.

19. Relying upon the said judgment, Mr. Govekar, learned counsel for respondent No. 2, submitted that the Hon'ble Supreme Court had rendered the decision in *Lata Wadhwa* (supra) through a larger Bench, whereas the decision in *Shishu Pal* (supra) was rendered by a Division Bench of the Hon'ble Supreme Court. Hence, according to him, the ratio laid down in *Lata Wadhwa* (supra) would prevail.

20. However, in *Lata Wadhwa* (supra), the Hon'ble Supreme Court was dealing with an incident that had occurred in the year 1989, whereas in *Shishu Pal* (supra), the Hon'ble Supreme Court was dealing with an incident that had occurred in the year 2001. Since then more than 25 years have elapsed. Moreover, the ratio laid down in *Lata Wadhwa* (supra) has been considered by the Hon'ble Supreme Court in *Shishu Pal* (supra). In these circumstances, I am of the view that the notional income of housewives assessed in *Lata Wadhwa* (supra) is not helpful to

support the contention advanced by the learned counsel for respondent No. 2.

21. Mr. S. B. Govekar, learned counsel for respondent No. 2, also placed reliance upon the decisions of the Hon'ble Karnataka High Court in *H. S. Nagaraj s/o. Kotreshappa & Ors. v. Sandip Soppina s/o. Shivanagappa*, Miscellaneous First Appeal No. 104774 of 2024 (MV-D), decided on 16th July 2026, and of the Hon'ble Allahabad High Court in *Santosh Patel @ Santosh Kumar v. National Insurance Company Ltd. & 2 Ors.*, First Appeal From Order No. 1284 of 2023, decided on 2nd July 2026.

22. In these cases Hon'ble High Court observed that ratio laid down in the case of Shishu Pal (supra) is not factor for deciding income of the a housewife. The observations made by the Hon'ble Karnataka High Court and the Hon'ble Allahabad High Court in those cases were rendered in the peculiar facts and circumstances of those cases and, therefore, cannot be treated as laying down a binding proposition contrary to the ratio laid down by the Hon'ble Supreme Court in *Shishu Pal* (supra).

23. On the other hand, in *Shri Ram General Insurance Company Ltd. v. Vikram Singh & Ors.*, MANU/HP/1702/2026, *Sunil Kumar v. HRTC & Ors.*, MANU/HP/1454/2026, and *Kamla v. Himachal Road Transport Corporation Ltd.*, MANU/HP/1451/2026, the Hon'ble Himachal Pradesh High Court relied upon the observations made by the Hon'ble Supreme Court

in *Shishu Pal* (supra) and assessed the income of housewives at the rate of Rs. 30,000/- per month. Therefore, the view taken by the Hon'ble Himachal Pradesh High Court appears to be in consonance with the judgment of the Hon'ble Supreme Court.

24. In *Shishu Pal* (supra), the Hon'ble Supreme Court has not made any exception while awarding compensation towards the loss of domestic care rendered by a homemaker. Hence, the decisions relied upon by the learned counsel for respondent No. 2 are of no assistance in supporting his contention. I, therefore, find no substance in the contention advanced by the learned counsel for respondent No. 2.

25. In Shishu Pal (supra), the deceased was working in the unorganised sector, and it was contended that she was earning Rs. 3,000/- per month from stitching work. However, while determining the compensation, the Hon'ble Supreme Court did not take the said income of Rs. 3,000/- per month into consideration. Similarly, in the present case, I have not taken into consideration the alleged income of the deceased from her work as a maid servant, tailor, or agricultural supervisor while assessing the compensation.

26. In Shishu Pal (supra), the Hon'ble Supreme Court directed that compensation be awarded under the additional head of loss of domestic care. While assessing the amount at Rs. 30,000/- per month, the Hon'ble Supreme Court took into

consideration three principal components, namely: (i) the homemaker's contribution towards the smooth functioning of the household; (ii) the loss of maternal care and support to the children and the loss of spousal support; and (iii) the loss of love, care, support, and comfort suffered by the parents of the deceased.

27. In the present case, the applicants have pleaded and proved the first two components constituting the loss of domestic care. However, they have neither pleaded nor proved that the parents of the deceased were deprived of her love, company, support, and comfort.

28. In paragraph 16 of the judgment of Shishu Pal (supra), the Hon'ble Apex Court observed that:

> "The loss of a homemaker is not limited to the husband and children. It also directly impacts the woman's own parents, who are deprived of the love and company of their child, who lose her support and comfort, and are left with boundless grief."

29. The Hon'ble Supreme Court awarded a composite amount of Rs. 30,000/- per month under the head of "loss of domestic care" on the premise that all three components were present. In the present case, however, the applicants have proved only two of the three components contemplated in Shishu Pal (supra). Therefore, if an amount of Rs. 10,000/- per month is attributed to each component, the compensation towards loss of domestic care in the present case would work out to Rs. 20,000/-

per month. Accordingly, for the purpose of computing compensation, the monthly value of the domestic services rendered by the deceased is assessed at Rs. 20,000/- per month.

30. The applicants have produced the birth certificate of the deceased (Exh. 43), which shows that her date of birth was 15/09/1967. The accident occurred on 26/12/2014. Therefore, on the date of the accident, the deceased was 47 years of age. The multiplier applicable to her age group is 13. There were four dependents of the deceased. Hence, one-fourth (1/4th) of her income is required to be deducted towards her personal and living expenses. Since the deceased was below 50 years of age, an addition of 25% towards future prospects is required to be made to her income.

31. Accordingly, the applicants are entitled to compensation towards loss of dependency and under the other conventional heads, as calculated below:

CALCULATION OF COMPENSATION

Sr. No.	Head of Compensation	Calculation	Amount (Rs.)
1	Monthly Income	—	20,000/-
2	Annual Income	20,000 × 12	2,40,000/-
3	Addition towards Future Prospects (25%)	2,40,000 + 60,000	3,00,000/-

Sr. No.	Head of Compensation	Calculation	Amount (Rs.)
4	Deduction towards Personal and Living Expenses (1/4th)	3,00,000 – 75,000	2,25,000/-
5	Loss of Dependency (Multiplier of 13)	2,25,000 × 13	29,25,000/-
6	Loss of Estate	Conventional amount	18,150/-
7	Funeral Expenses	Conventional amount	18,150/-
8	Loss of Consortium	48,400 × 4 claimants	1,93,600/-
	Total Compensation		Rs.31,54,900/-

Total Compensation = Rs.29,25,000/-+Rs. 18,150/- + Rs. 18,150/- + Rs. 1,93,600/- = Rs.31,54,900/-.

32. Thus, the applicants are entitled to compensation of Rs.31,54,900/-. The applicants are further entitled to recover the said compensation together with interest at the rate of 9% per annum from the date of institution of the claim petition till its actual realization. In the result, I answer Issue No. 4 partly in the affirmative and pass the following order:

ORDER

1. The petition is partly allowed.

2. The applicants are entitled to compensation of Rs.31,54,900/- (Rupees Thirty One Lakh Fifty Four Thousand Nine Hundred Only), inclusive of the amount, if any, paid towards no-fault liability (NFL), together with interest at the rate of 9% per annum from the date of filing of the claim petition till its actual realization from the respondents.
3. The amount of compensation shall be apportioned as follows:

i) An amount of Rs. 5,00,000/-(Rs. Five Lakh Only) be given separately to the applicant No.2 to 4.

ii) Remaining amount be given to applicant No.1.

iii) Out of the amount awarded to applicant No.1 to 4, 50% amount be kept in any Nationalized Bank for a period of 6 years with liberty to withdraw the accrued interest periodically.

4. An award be up drawn accordingly.

SARDAR RAJEKHAN TAMBOLI
Digitally signed by SARDAR RAJEKHAN TAMBOLI
Date: 2026.08.19 18:14:02 +0530

Place : Satara. (S.R. Tamboli)
Date :19.08.2026 Member, M. A. C. Tribunal, Satara.