

MHST010035462018



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Duration : Ys. Ms. Ds.
07 09 07

**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.280 OF 2018

Exhibit No.29

Ramesh Shivram Chavan,

Age: 29 years, Occupation:-Vadak,

Resident of – At Post Medha (Gopalvasti),

Taluka-Jaoli and District Satara.

... Applicant

Versus

Secretary,

Maharashtra State Road Transport Corporation ,

Satara S.T. Depo, Satara. District- Satara

...Respondent

DEATH CLAIM U/S.166 OF MOTOR VEHICLES ACT

APPEARANCE :

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

Mr. S.D. Jagtap, Advocate for Respondent

JUDGMENT

(Delivered on 10th August, 2026)

1. The present petition has been filed by the applicant

under Section 166 of the Motor Vehicles Act seeking compensation.

2. Briefly, the case of the applicant is that on 05/08/2018, the wife of the applicant, Shalini, along with their daughter Anjali, was travelling by an ST bus bearing Registration No. MH-40-N-9437 from Satara to Medha village. The ST bus stopped near the main square at Medha for passengers to alight. At that time, Shalini, carrying Anjali in her arms, alighted from the bus. Since her house was situated towards the north, she started walking in that direction. The driver of the ST bus suddenly and hurriedly started moving the bus forward, and the bus struck Shalini and Anjali. The front right wheel of the bus ran over their heads, and both died on the spot. The accident occurred due to the negligence and fault of the driver of the ST bus. Anjali was 01 years old. The applicant is her father. Therefore, the applicant is entitled to compensation of Rs. 12,50,000/-.

3. The opponent, in its written statement at Exhibit 14, contended that on 05/08/2018, Dada Uttam Jadhav was driving ST Bus bearing Registration No. MH-40-N-9437 from Satara to Kanher-Medha. He was driving at a normal speed, observing all traffic rules, and keeping to the left side of the road. Santosh Ombale was the conductor of the bus. When the bus reached Medha Bus Stand at 5:30 p.m., it stopped at Medha Square for passengers to alight and board. The deceased woman, along with her minor child, alighted from the bus and immediately started

crossing the road in front of the bus without following traffic rules. She collided with the front portion of the bus. The accident occurred solely due to her own fault and negligence. The driver of the bus was not at fault. The police unnecessarily implicated the driver. The applicant's version of the accident is false. The applicant has exaggerated the income of the deceased and claimed excessive compensation. The opponent had already paid Rs. 10,000/- to the applicant as immediate assistance. The application is false and deserves to be dismissed.

4. My learned predecessor framed the issues at Exhibit 16. My findings thereon, along with the reasons therefor, are as follows:

Sr. No.	Issues	Findings
1.	Do the petitioners prove that on 05/08/2018 at about 5.30 p.m. on Satara-Mahabaleshwar road within the limits of village Medha, Taluka Javli, District Satara, the driver of S.T. Bus bearing No.MH-40-N-9437 drove it rashly and negligently and thereby gave dash to deceased Anjali Ramesh Chavan, and caused her death?	In the affirmative.
2.	Whether the petitioners are entitled for compensation as claimed? If yes, at what rate and from whom?	Partly in the affirmative.
3.	What order and award?	As per the final order.

:: REASONS ::**Issue No. 1 :**

5. The applicant filed an affidavit at Exhibit 19 reiterating the contents of the application. He is not an eyewitness. He deposed on the basis of the police papers. The applicant produced documents, namely the complaint (Exhibit 20), FIR (Exhibit 21), spot panchanama (Exhibit 22), inquest panchanama (Exhibit 23), and post-mortem report (Exhibit 24). These documents clearly show that on 05/08/2018 at 5:30 p.m., driver Dada Jadhav stopped Bus No. MH-40-N-9437 at Medha Square. Shalini and her daughter Anjali alighted from the bus. While Shalini was crossing the road in front of the bus towards her house, the driver suddenly started the bus and hit Shalini and Anjali. Both died in the accident.

6. It is admitted that the police filed a charge-sheet against driver Dada Jadhav under Sections 279 and 304-A of the Indian Penal Code. There is no reason to disbelieve the police papers.

7. The driver, Dada Jadhav, examined as DW-1, reiterated the contents of his affidavit. However, in his cross-examination, he admitted that when he moved the bus forward, he did not see Shalini and Anjali, and they fell under the bus. The right wheel ran over Shalini's head. He admitted that it was raining heavily and

that he heard a sound beneath the tyre, whereupon he stopped the bus. By then, the wheel had already run over Shalini's head. Both Shalini and Anjali died on the spot. He further admitted that a criminal case is pending against him before the court at Medha. He also admitted that he had not lodged any complaint with his superior officers alleging that a false case had been registered against him. He admitted that, at the time of the accident, conductor Ombale was standing at the door of the bus. Thus, it is clear that the accident occurred due to the negligence of the driver.

8. The conductor, Santosh Ombale, examined as DW-2, reiterated the contents of the opponent's written statement. In his cross-examination, he admitted that when the bus stopped for passengers to alight, Shalini and Anjali got down from the bus. He was standing at the door, opened it, gave a double-bell signal, and thereafter the driver moved the bus. He further admitted that he was standing near the footboard and could not see persons crossing in front of the bus. He did not witness the accident directly and came to know about it only after hearing people shouting. He saw a woman lying beneath the bus, with the wheel having run over her head. His evidence clearly shows that he did not witness the accident. Therefore, his testimony does not establish that Shalini and Anjali collided with the bus.

9. As discussed earlier, the driver moved the bus without noticing persons crossing in front of it, and the bus hit Shalini and

Anjali, causing their deaths. Hence, driver Dada Jadhav was responsible for the accident. The opponent has failed to prove that the accident occurred solely due to the fault of Shalini. The conclusion drawn by the police holding the driver responsible for the accident deserves acceptance by this Tribunal. Therefore, I answer Issue No. 1 in the affirmative.

Issue No. 2 :

10. Mr. H. V. Veer, learned counsel for the applicant, relied on the ratio laid down in *Sakshi Greola v. Manzoor Ahmad Simon & Anr.*, 2024 ACJ 2721. In the said case, a 7-year-old child died. The Hon'ble Supreme Court took into consideration the minimum wages payable to a skilled worker at the rate of Rs. 4,358/- and awarded compensation of Rs. 9,42,000/-. In *Karuna Parmar v. Prakash Sinha & Ors.*, 2025 ACJ 1624, a 6-year-old girl died in a motor vehicle accident. The Hon'ble Apex Court, relying on the minimum wages payable to a skilled worker, granted compensation of Rs. 11,44,628/-.

11. Relying on the ratio laid down in the aforesaid cases, learned counsel for the applicant prayed for fixing the notional income of the deceased at Rs. 6,000/- per month.

12. Per contra, learned counsel for the respondent relied on the ratio laid down in *Meena Devi v. Nanu Chand Mahto @ Nemchand Mahto & Ors.*, MANU/SC/1320/2022. In the said case,

a child aged 7 years died in a motor vehicle accident. The Hon'ble Supreme Court assessed the annual income of the deceased at Rs. 25,000/- and awarded compensation of Rs. 5,00,000/-. In *New India Assurance Co. Ltd. v. Satender & Ors.*, 2007 ACJ 160, a child of tender age died in an accident. The Hon'ble Supreme Court awarded compensation of Rs. 1,80,000/-.

13. Relying on these judgments, learned counsel for the respondent prayed for awarding appropriate compensation to the applicant.

14. In the present case, the deceased was a one-year-old child. The learned counsel for the applicant relied on citations relating to claims involving children more than six years of age. Therefore, the ratio laid down in the citations relied upon by the learned counsel for the applicant is not helpful in supporting his contention.

15. In *Kusmi Devi v. Md. Kasim and Ors.*, MANU/SC/1124/2023, the Hon'ble Supreme Court observed as under:

"3. In respect of the death of a three years old child in the accident which occurred on 25.08.1994, the Motors Accidents Claims Tribunal (For short 'MACT') through its Award dated 13.02.2015 had granted the compensation of Rs. 1,50,000/- with interest @ 9% per annum. The High Court through its judgment dated 13.12.2018 has enhanced it to a

sum of Rs. 5,00,000/- as a global compensation.

4. In a matter of the present nature where the regular parameters of determining the compensation cannot be considered due to the uncertainties in life of a child and as held by this Court, the lump sum compensation is being awarded. Without prejudice to the contentions all the parties and in the interest of justice, we deem it appropriate to grant a further sum of Rs. 1,00,000/- as global enhancement which shall be deposited by the Respondent No. 2- Insurance Company before the MACT concerned within a period of three weeks from the date of receipt of a copy of this judgment, whereupon the amount shall be disbursed to the claimant.”

16. In the above mentioned case, a three-year-old child died in a motor vehicle accident. The Hon’ble High Court awarded compensation of Rs. 5,00,000/-, and the Hon’ble Supreme Court enhanced the same to Rs. 6,00,000/- considering the issue of global compensation. Hence, I think it proper to award lump-sum compensation of Rs. 6,00,000/- to the applicant.

17. In view of the above discussion, I hold that the applicant is entitled to recover an amount of Rs. 6,00,000/- with interest at the rate of 9% per annum from the date of the claim petition till its actual realization. Hence, I answer Issue No. 2 partly in the affirmative and pass the following order:

ORDER

1. The petition is partly allowed.

2. The applicant is entitled to compensation of Rs. 6,00,000/- (Rupees Six Lakh 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 respondent.
3. An award be drawn accordingly.

Place : Satara.
Date :10.08.2026

(S.R. Tamboli)
Member, M. A. C. Tribunal, Satara.