MHWR010000952023

Presented On	:	16-01-2023
Registered On	:	17-01-2023
Decided On	:	16-04-2026
Duration	:	**03Y – 03M - 00D**

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT WARDHA.

(Presided over by Shri H.B. Gaikwad, Chairman, Wardha.)

Motor Accident Claim Petition No.06/2023 **Exh. No.37**

Claimants :-

1] Sau. Surekha W/o Vitthal Parteki,
Aged about 48 Years, Occu.:- Household,

2] Vitthal S/o Shamrao Parteki,
Aged about 54 Years, Occu.:- Labour,
Both R/o. Dhamangaon(Wathoda),
Post-Dahegaon(Miskin),
Tah. and District Wardha.

-Versus-

Respondents :-

1] Lalit S/o Babanrao Dudhkohale,
Aged about 27 Years, Occu.-Driver,
R/o Ward No.3, Waifad,
Tah. and District Wardha [M.S.]

2] Pradip S/o Devanandrao Bhoyar,
Aged about 50 Years, Occ.: Business,
R/o. Ward No.3, Watkheda,
Tah. Deoli, District Wardha.
[Owner of Bolero Pickup bearing No. MH-32/Q-0577 involved in the accident]

Shri. A. E. Dhote, the learned advocate for the claimants.
Shri. P. B. Taori, the learned advocate for the respondents.

-:- **JUDGMENT** -:-

(Delivered on 16th Day of April, 2026)

The claimants have filed this petition under Section 166 of the Motor Vehicles Act, 1988 for compensation of Rs.1,00,000/- on account of motor vehicular accidental death of one Niraj s/o Vitthal Parteki, who was the son of claimants.

2. Brief facts, leading to the filing of the petition are that, on 01.08.2022, at about 15.40 to 15.45 hours, when the deceased Niraj alongwith two pillion riders i.e. Rajendra Dehare and Nilesh Pandurang Dhanvij were proceeding on the motorcycle owned by Nilesh Dhanvij bearing registration No.MH-32/AF-5793 from Waifad to Wathoda (Dhamangaon), at that time, one Mahindra Bolero Pickup bearing registration No.MH-32/Q-0577 came on wrong side and gave dash to the above numbered motorcycle, as a result, Niraj sustained serious bodily injuries and succumbed to it on the spot.

3. It is stated that the deceased Niraj was aged about 24 years at the time of the accident. He was working as a skilled plumber and getting Rs.15,000/- per month income. The claimants are suffering from great hardship and starvation. The claimants have lost the society, love and affection of the deceased Niraj. They quantified total claim for compensation at Rs.21,00,000/-, considering his income of Rs.15,000/- per month, however, restricted their claim to Rs.1,00,000/- with undertaking to pay the necessary court fees on the enhanced compensation awarded by the Tribunal.

4. It is stated that the accident took place because of the rash and negligent driving of the above numbered Bolero, owned by respondent No.2 and driven by respondent No.1, at the time of the accident. Therefore, the claimants prayed for compensation of Rs.1,00,000/- with 18% future interest and costs of the petition from the respondents.

5. Respondent No.1 filed his Written Statement (Exh.16) and resisted the claim. He denied the age, occupation, and income of the deceased. He contended that there was neither any negligence on the part of the driver of the above-numbered Bolero nor was the said vehicle involved in the accident in question. He further submitted that the claimants have failed to implead the owner of the above-numbered motorcycle, and therefore, the claim is bad for non-joinder of a necessary party. He further contended that the accident occurred due to the negligence of the rider of the said motorcycle, on which three persons were travelling, in clear violation of the provisions of the Motor Vehicles Act, and that they are solely responsible for the accident. He stated that the rider of the above-numbered motorcycle, alongwith its owner, contributed to and is responsible for the accident. He admitted the registration of an offence against him and the Bolero vehicle owned by respondent No.2, but asserted that he has been falsely implicated and made a scapegoat in the case. He further stated that he is a labourer and, therefore, not liable to pay any compensation to the claimants. Hence, he prayed for dismissal of the petition.

6. Respondents No.2 though appeared, failed to file his

Written Statement. Resultantly, the petition proceeded without his Written Statement on 21.11.2023.

7. The issues framed by my learned predecessor at Exh.17, are reproduced below alongwith my findings thereon.

	ISSUES		FINDINGS
1.	Do the applicants prove that on 01.08.2022 on Vaifad Wathoda Road within Vaifad Shivar, respondent No.1 drove offending vehicle Mahindra Bolero Pickup No.MH-32/Q-0577 in a rash and negligent manner and hit to the motorcycle of deceased Niraj Vitthalrao Parteki resulting into death of motorcycle rider Niraj ?	:	Yes
2.	Do the respondent No.1 prove that the accident occurred due to contributory negligence on the part of the motorcycle rider deceased Niraj ?	:	No
3.	Whether the application suffers for want of non-joinder of necessary party ?	:	No
4.	Whether the applicants are entitled to compensation amount ? If yes, what is amount and from whom ?	:	Yes. Rs.14,92,800/- from the respondents jointly or severally
5.	What order and award ?	:	The petition is allowed.

REASONS

AS TO ISSUES NO.1 AND 2 :

8. The evidence on these points is common and interconnected. Therefore, they are being taken together for

consideration. The claimants have filed written notes of argument at Exh.36.

9. Claimant No.2 examined himself by filling his affidavit of examination-in-chief (Exh-18). He deposed that the above referred accident took place due to rash and negligent driving of the above numbered Bolero by respondent No.1. Admittedly, he has not witnessed the accident, as he has admitted the same in his cross-examination. Therefore, his evidence to that effect is not material in this case.

10. Respondent No.1 was the eye witness to the accident. He did not appear before the Tribunal to depose about the circumstances under which the accident took place.

11. To corroborate, the papers of investigation would be helpful to decide the same. Indisputably, as per Form-AA (Exh.21) and printed FIR (Exh.22), Crime No.709/2022 came to be registered in Police Station, Pulgaon, against the driver of the above-numbered Bolero only, for the offences punishable under Sections 279, 337 and 304-A of the Indian Penal Code.

12. The spot panchanama (Exh.23) relating to the scene of occurrence assumes considerable evidentiary value in determining the manner in which the accident took place. It reveals that the accident occurred on a ten-foot-wide asphalt road running from Dahegaon-Miskin to Waifad, adjacent to the agricultural land of one Ganesh Chunarakar, resident of Waifad. On the southern edge of the said road, a grey Honda C.B. Shine motorcycle bearing registration

No. MH-32/AF-5973 was found lying on its left side, with its front portion facing east and rear towards the west. The motorcycle had sustained visible damage, including a fractured head assembly, a displaced seat cover, and compression to the front buffer, indicative of a forceful impact. Approximately three feet to the south of the said motorcycle, the deceased, Niraj and Rajendra Dehare, were found lying in a supine position, with their heads towards the west and feet towards the east, which corroborates the direction and nature of the impact. The injured, Nilesh Dhanvij, was found seated on another motorcycle stationed on the northern side of the road. The panchanama further records that a four-wheeler Bolero was the offending vehicle which had collided with the aforesaid motorcycle and thereafter fled from the spot.

13. It further emerges from the spot panchanama (Exh.23) that the motorcycle was proceeding from Waifad towards Wathoda (Dhamangaon), whereas the Bolero was approaching from the opposite direction. As per the settled rules of the road, the motorcycle ought to have been on the northern side of the road, while the Bolero was required to keep to the southern side. Significantly, the point of impact, as reflected in the spot panchanama as well as the sketch map annexed thereto, is located on the extreme northern side of the road, which was the correct side for the motorcycle. The location of the accident, therefore, clearly indicates that the Bolero had encroached upon the wrong side of the road and collided with the motorcycle.

14. Considering the width of the road, there was sufficient

space available for the driver of the Bolero to proceed on his correct side and avoid the collision. The very fact that the impact occurred on the motorcycle's rightful side demonstrates a clear breach of the duty of care expected from the driver of the Bolero. In motor accident claims, the contents of the spot panchanama, being contemporaneous in nature and prepared in the course of official duty, carry significant probative value unless effectively rebutted. In the present case, there is no material on record to discredit the said panchanama. On the contrary, it stands corroborated by the physical circumstances noted at the scene. Moreover, it is an admitted position that criminal proceedings have been initiated only against the driver of the Bolero in respect of the said accident. Though such prosecution is not conclusive proof of negligence, it nevertheless lends support to the inference drawn from the physical evidence on record.

15. It is a settled law that, the evidence before the Tribunal is not governed by the strict procedure of the Evidence Act. The Tribunal has to reach to the conclusion by preponderance of probability. In view of the aforesaid circumstances, the documentary evidence in the form of the spot panchanama (Exh.23), coupled with the attendant facts and absence of any credible rebuttal, clearly establishes that the accident occurred solely due to the rash and negligent driving of the Bolero by respondent No.1, who, by driving on the wrong side of the road, caused the collision with the motorcycle. It is, thus, clear that the accident took place solely because of the negligence of respondent No.1, while driving the above numbered Bolero. There was no fault on the part of the rider

of the above-numbered motorcycle, as seen from the spot panchanama (Exh-23).

16. The learned Advocate for the respondents contended that the deceased, Niraj, was not holding a valid and effective driving licence at the time of the accident and he was carrying two pillion riders, constituting a violation of statutory provisions. On that basis, it was argued that the deceased himself was negligent and that the accident occurred due to his own fault, thereby absolving the respondents from any liability to pay compensation. Per contra, the learned Advocate for the claimants submitted that the mere absence of a driving licence or carrying two pillion riders, cannot, by itself, lead to an inference of negligence or contributory negligence on the part of the deceased, unless it is shown that such absence or act had a direct nexus with the occurrence of the accident.

17. In order to determine the issue of negligence, what is required to be established is the proximate cause of the accident. The absence of a valid driving licence or the fact that the deceased was carrying two pillion riders, though constituting a violation of statutory provisions, are not, by themselves, determinative of negligence in causing the accident. It is incumbent upon the respondents to demonstrate, by cogent and reliable evidence, that such violations had a direct bearing on the manner of driving and that, as a consequence thereof, the deceased lost control over the motorcycle or contributed to the occurrence of the accident. In the present case, no such evidence has been adduced by the respondents. There is nothing on record to indicate that the deceased was

incapable of riding the motorcycle due to the absence of a licence or that the presence of two pillion riders in any manner contributed to the accident. In the absence of any such material, these factors remain merely technical breaches and cannot be elevated to the status of contributory negligence.

18. It is well settled that negligence must be founded on actionable conduct having a causal connection with the accident. Mere violation of statutory provisions, in the absence of proof of causation, is insufficient to attribute negligence. In view of the above discussion, I find no merit in the submissions advanced on behalf of the respondents. The contention that the deceased was negligent solely on account of not possessing a valid driving licence or carrying more than one pillion rider is devoid of substance and is, therefore, rejected.

19. In the case of **Sudhir Kumar Rana ..Vs.. Surinder Sing, reported in (2008)12 SCC 436,** The Hon'ble Supreme Court, held as under:-

> "9. If a person drives a vehicle without a licence, he commits an offence. The same, by itself, in our opinion, may not lead to a finding of negligence as regards the accident. It has been held by the courts below that it was the driver of the mini truck who was driving rashly and negligently. It is one thing to say that the appellant was not possessing any licence but no finding of fact has been arrived at that he was driving the two-wheeler rashly and negligently. If he was not driving rashly and negligently which contributed to the accident, we fail to see as to how, only because he was not having a licence,

> he would be held to the guilty of contributory negligence.
>
> 10. The matter might have been different if by reason of his rash and negligent driving, the accident had taken place."

20. The ratio laid down in the aforesaid judgment clearly enunciates that mere absence of a driving licence, though constituting a statutory violation, cannot, in isolation, be made the basis to fasten liability on the victim for contributory negligence, unless it is further established that such absence had a direct nexus with the occurrence of the accident. Applying the said principle to the facts of the present case, it is evident that though the driving licence of the deceased Niraj is not brought on record, the respondents have failed to establish, by any cogent evidence, that the deceased was incapable of riding the motorcycle or that the accident occurred on account of any rash or negligent act attributable to him arising from such absence.

21. On the contrary, the material on record, particularly the spot panchanama, clearly demonstrates that the offending Bolero had come on the wrong side of the road and dashed against the motorcycle, which was proceeding on its correct side. This itself establishes a clear and proximate act of negligence on the part of the driver of the Bolero. In such circumstances, even assuming that the deceased was not holding a valid and effective driving licence and was carrying two pillion riders, the same would not constitute contributory negligence, inasmuch as these factors have no causal

connection with the occurrence of the accident. This is not a case where the accident occurred in the middle of the road or where the motorcycle had encroached upon the wrong side and collided with the Bolero. The entire blame for the accident squarely rests upon the driver of the Bolero, who, by driving on the wrong side, caused the collision. Therefore, in the absence of any evidence attributing negligence to the deceased, the question of contributory negligence does not arise at all. The submissions advanced on behalf of the respondents, in this regard, are devoid of merit and liable to be rejected.

22. The Form-AA (Exh.21), Printed FIR (Exh.22), Inquest Panchanama (Exh.24) and postmortem report (Exh.25), clearly show that the deceased, Niraj, sustained serious injuries in the above-referred accident and died as a result thereof. Hence, I answer issue No.1 in the affirmative and issue No.2 in the negative.

AS TO ISSUES NO. 3 AND 4 :

23. The evidence on these points is common and interconnected. Therefore, they are being taken together for consideration.

24. The claimants are the parents of the deceased, Niraj. Claimant No.2 has stated that the deceased was about 24 years of age at the time of the accident. In support of this contention, the claimants have produced a copy of the Aadhaar Card of the deceased (Exh.28) as well as the School Leaving Certificate (Exh.31), both of which record his date of birth as 01.08.1998. The accident occurred

on 01.08.2022. On the basis of the said documentary evidence, the age of the deceased at the time of the accident is clearly established as 24 years. The said documents are primary in nature and carry probative value, and there is no material on record to doubt their authenticity or correctness. Significantly, no dispute has been raised by the respondents with regard to the age of the deceased. In the absence of any challenge or rebuttal from the respondents, there is no reason to disbelieve the evidence adduced by the claimants. Accordingly, it is held that the deceased Niraj was aged 24 years at the time of the accident and his death. Consequently, in view of the ratio laid down by the **Hon'ble Supreme Court in the case of Smt. Sarla Verma and Ors. ..Vs.. Delhi Transport Corporation and Anr., reported in 2009 (6) SCC 121 and National Insurance Company Ltd. ..Vs.. Pranay Sethi, reported in 2017 (4) T.A.C. 673 (S.C.)**, the multiplier of '18' will have to be selected for the purpose of fortifying the amount of compensation.

25. Claimant No.2 deposed that the deceased, Niraj, was engaged in plumbing work and earning approximately Rs.15,000/- per month. In support of this contention, the claimants examined Manoj Chintamanji Kaware (CW2) (Exh.33), who stated that he had been engaged in private contracting work for the past fifteen years and that the deceased had worked with him for about four years prior to his death. According to him, the deceased was diligent, skilled, and undertook plumbing as well as electrical work, for which he was paid wages ranging between Rs.15,000/- to Rs.17,000/- per month. He further stated that his work was continuous throughout the year and involved assignments in both rural and urban areas, and

that after the death of Niraj, his aged parents have been left without support.

26. During cross-examination, he admitted that he is not a registered contractor and does not maintain formal records. He employs about seven to eight labourers, maintains only rough accounts, and has not produced any documentary evidence to substantiate the payment of wages to the deceased. He also admitted that he has not filed income tax returns since 2019. He stated that the deceased was educated up to the 10th standard and had acquired skills in plumbing and electrical work through experience.

27. Though the claimants have examined Manoj (CW2) in support of their case, no documentary evidence has been produced either by the claimants or by the said witness to substantiate his assertion that he was engaged in the business of operating JCB machines and tractors. He has also failed to place on record any authentic material to demonstrate that he was carrying on such business, that the deceased Niraj was employed by him for plumbing and electrical work, or that he was paying wages of Rs.15,000/- to Rs.17,000/- per month to the deceased.

28. Significantly, the witness has admitted in his cross-examination that he is not a registered contractor, does not maintain formal accounts, and has not filed income tax returns since 2019. He has further stated that he incurs an annual expenditure of approximately Rs.12,00,000/- towards labour charges. In the ordinary course of business, such substantial financial transactions

would be supported by documentary records, including account books, payment registers, or income tax returns. However, no such documents have been produced before the Tribunal. The absence of any reliable documentary evidence, despite the nature and scale of the alleged business, creates serious doubt about the veracity of his testimony.

29. In these circumstances, the oral evidence of Manoj (CW2), being uncorroborated by any substantive documentary proof, does not inspire confidence and cannot be safely relied upon. Consequently, his testimony is of no assistance to the claimants in establishing that the deceased Niraj was employed under him or that he was earning Rs.15,000/- to Rs.17,000/- per month.

30. Apart from the said oral evidence, no other material has been brought on record to prove the occupation or income of the deceased. Thus, the claimants have failed to establish the actual income of the deceased by cogent and reliable evidence. However, it is well settled that in motor accident claims, where there is no positive evidence regarding the income of the deceased, the Tribunal is required to assess the income on a notional basis, having regard to the nature of work, age, and surrounding circumstances. Considering that the deceased was a young person engaged in manual and semi-skilled work such as plumbing, it would be reasonable and just to fix his notional income at Rs.9,000/- per month.

31. In view of the ratio laid down in the case of Pranay Sethi (supra), wherein the Hon'ble Supreme Court has held that in case of

the persons, who is self-employed or having fixed salary, the addition of 40% to actual income of the deceased whose age is below 40 years, while computing future prospect, is to be calculated. In the case of **Kirti and Another etc. ..Vs.. Oriental Insurance Company Limited, reported in (2021) AIR (SC) 353, and Rasmita Biswal and Others vs. Divisional Manager, National Insurance Company Limited and Another, reported in (2022) AIR (SC) 85,** wherein the Hon'ble Supreme Court held that future prospects can be granted even in cases of notional income. It was further held that future prospects at the rate of 40% can be added where the deceased was below 40 years of age. Thus, considering the age of the deceased, 40% of the income has to be added towards the future prospects. I have held the income of the deceased to be Rs.9,000/- per month. Adding 40% to Rs.9,000/- the income of the deceased will be Rs.12,600/- per month. Thus, the income of the deceased is assessed at Rs.12,600/- per month i.e. Rs.1,51,200/- per annum.

32. Claimant No.2 is the father of the deceased. The Hon'ble Supreme Court in the case of Smt. Sarla Verma (Supra) and Pranay Sethi (Supra) has held that, if the deceased was bachelor and the claimants are parents, in that case only the mother is entitled to get compensation. Therefore, claimant No.2 is not entitled to get compensation except towards loss of filial consortium, as has also been granted by the Hon'ble Supreme Court, in the case of **Harpreet Kaur and Others Vs. Mohinder Yadav and Others, reported in 2023 (4) T.A.C. 49 (S.C.)**.

33. In view of the ratio laid down by the Hon'ble Supreme

Court in the case of Smt. Sarla Verma (supra) and Pranay Sethi (Supra), the claimants being the parents of the deceased who was bachelor, 50% deduction should be made on account of personal and living expenses of the deceased person. Thus, after making 50% deduction from Rs.1,51,200/- the loss of income/dependency of claimant No.1 would be Rs.75,600/- per annum. If this amount is multiplied by '18', the figure would come at Rs.13,60,800/-. This amount is liable to be paid as compensation towards loss of income/ dependency.

34. In view of the ratio laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi (Supra) and Magma General Insurance Company Limited ..Vs.. Nanu Ram Alias Chuhru Ram and Others, reported in (2018) 18 Supreme Court Cases 130,** the claimants being the parents of the deceased Niraj, they would be entitled to get compensation on account of loss of filial consortium. The claimants would be further entitled to get compensation towards loss of estate and towards funeral expenses. In view of the ratio laid down in the case of Pranay Sethi (Supra), there shall be 10% increase every three years in respect of the compensation to be awarded pertaining to loss of consortium, loss of estate and loss of funeral expenses, from the date of passing of the judgment in the case of Pranay Sethi (Supra). As the judgment in Pranay Sethi (Supra) is delivered on 31.10.2017, there will be increase by 20%, as 6 years have passed, consequent to the passing of the said judgment. Thus, the claimants would be entitled to get Rs.48,000/- each towards loss of filial consortium respectively, Rs.18,000/- towards loss of estate and Rs. 18,000/- towards funeral expenses.

35. As such, the claimants would be entitled to get the total amount of Rs.14,92,800/- as compensation under the following heads:

Sr. No.	Particulars of the head		Amount in Rupees
1]	Loss of dependency for claimant No.1.	:	Rs.13,60,800/-
2]	Loss of filial consortium to the claimants.	:	Rs.96,000/-
3]	Loss of estate	:	Rs.18,000/-
4]	Funeral Expenses	:	Rs.18,000/-
	Total compensation		**Rs.14,92,800/-**

36. The accident took place solely because of the rash and negligent driving of the above numbered Bolero by respondent No.1. The certificate of registration (Exh.26) shows that the above numbered Bolero was also owned by respondent No.2 at the time of the accident. The claimants have filed the driving licence (Exh.27) of respondent No.2, to show that he was having valid and effective driving licence to drive the above-numbered Bolero at the time of the accident. There is no insurance of the above-numbered Bolero.

37. Regarding the objection raised by respondent No.1 concerning non-joinder of the owner of the motorcycle, the claimants have filed the present petition alleging negligence on the part of respondent No.1 in riding the above-numbered Bolero, which led to the accident. In such circumstances, the claimants have the discretion to proceed against the owner, driver, and insurer of the offending

vehicle, i.e., the Bolero involved in the accident. The owner and insurer, if any, of the above-numbered motorcycle are neither necessary nor proper parties to this proceeding.

38. The respondents have failed to demonstrate how the claim petition would be rendered defective for non-joinder of the owner of the motorcycle. There is nothing on record to show that the presence of the said parties is essential for the adjudication of the claim or that any effective order or judgment cannot be passed in their absence. Accordingly, the objection regarding non-joinder of necessary parties is unsustainable.

39. It has been held that respondent No.1 was negligent in driving the above-numbered Bolero. The said vehicle is owned by respondent No.2 and, therefore, respondent No.2 is vicariously liable for the tortious act committed by respondent No.1 in the course of such use of the vehicle. In view of the settled principles of law governing vicarious liability, the owner of a vehicle is liable for the negligent acts of its driver when the vehicle is being used with his authority. Accordingly, both respondent No.1, being the driver, and respondent No.2, being the owner of the offending vehicle, are liable to compensate the claimants. Thus, the respondents are jointly or severally liable to pay compensation to the claimants. Hence, I answer issues No.3 in the negative and issue No.4, accordingly.

AS TO ISSUE NO. 5 :

40. The claimants calculated their claim at Rs.21,00,000/-, however, restricted their claim, to Rs.1,00,000/- by reserving their

right to enhance the claim and pay the necessary court fees. Though the claimants have restricted their claim to the extent of Rs.1,00,000/-, but they are entitled to get Rs.14,92,800/- towards compensation. The above mentioned amount of compensation has been calculated strictly as per the principles laid down by the Hon'ble Supreme Court. It is well settled that the Tribunal is duty bound to award just and reasonable compensation, even though the amount of compensation calculated by the Tribunal exceeds the amount actually claimed in the petition. The claimant, however, would be liable to pay additional court fees on the amount granted in excess of the amount claimed by them.

41. The claimants are entitled to get Rs.14,92,800/- with future interest @ Rs.7% per annum and proportionate costs of the petition on Rs.14,92,800/- from the respondents. Considering the status of the claimants, their ages, their dependency on and relationship with the deceased Niraj, future requirements, the amount of Rs.14,92,800/- will have to be appropriately apportioned amongst them. In my view, it would be just and proper to apportion the said amount amongst the claimants as under :

Claimant No. 1 : Rs.14,44,800/-

Claimant No. 2 : Rs.48,000/-

42. The entire amount payable to the claimants will have to be directed to be paid to them through RTGS or NEFT, with some restriction to the extent that, out of the compensation amount payable to the claimant No.1, an amount of Rs.5,00,000/- be

invested in the fixed deposit in her name in any Nationalized Bank of her choice, for a period of five years and another amount of Rs.5,00,000/- be invested in the fixed deposit in her name in any Nationalized Bank of her choice, for a period of three years. Claimant No.1 shall be at liberty to withdraw the amount of interest accrued on the said fixed deposit amount, quarterly, if desired. Remaining compensation amount of her share, be paid to her, by RTGS or NEFT. The respondents are liable to pay, jointly or severally, the above mentioned amount to the claimants. In the result, in answer to issue No.4, I pass the following order.

ORDER

1. The Claim Petition is allowed with proportionate costs.

2. The claimants are entitled to get Rs.14,92,800/- (Rupees Fourteen Lakhs Ninety Two Thousand and Eight Hundred only) towards compensation from the respondents.

3. The respondents shall pay Rs.14,92,800/- (Rupees Fourteen Lakhs Ninety Two Thousand and Eight Hundred only), jointly or severally to the claimants with interest @ Rs. 7% per annum from the date of institution of the petition i.e. 16.01.2023 till realization thereof.

4. The claimants shall pay court fees on additional compensation of Rs.13,92,800/-, within one month from the date of this order. Failure to pay court fees on additional compensation as directed above, the claim of additional compensation of Rs.13,92,800/-, shall stand dismissed.

5. On payment of court fees on additional compensation of Rs.13,92,800/- and on depositing the total compensation amount as directed above, the entire amount be apportioned

amongst the claimants as under :

Claimant No.1 : Rs.14,44,800/- + interest + proportionate costs of the petition.

Claimant No.2 : Rs.48,000/- + interest + proportionate costs of the petition.

6. On depositing the total compensation amount as directed above, out of the compensation amount payable to claimant No.1, an amount of Rs.5,00,000/- be invested in the fixed deposit in her name in any Nationalized Bank of her choice, for a period of five years and another amount of Rs.5,00,000/- be invested in the fixed deposit in her name in any Nationalized Bank of her choice, for a period of three years. Claimant No.1 shall be at liberty to withdraw the amount of interest accrued on the above said fixed deposits amount, quarterly, if desired. Remaining compensation amount of her share, be paid to her, by RTGS or NEFT.

7. On depositing the total compensation amount as directed above, the entire amount payable to claimant No.2 be paid to him, as directed above, by RTGS or NEFT.

8. The respondents shall deposit the Award amount in the Savings Bank account of the Tribunal bearing Account No.40779968126 with State Bank of India, Civil Lines, Treasury Branch, Wardha. (IFSC Code-SBIN0005764).

9. The respondents shall pay proportionate costs of this petition on Rs.14,92,800/- to the claimants and shall bear their own.

HEMANT BHAGWANTRAO GAIKWAD

Digitally signed by HEMANT BHAGWANTRAO GAIKWAD
Date: 2026.04.16 15:29:01 +0530

Dt.- 16-04-2026

(H.B. Gaikwad)
Chairman,
Motor Accident Claims Tribunal,
Wardha.

C E R T I F I C A T E

The contents of this P.D.F. file Judgment are same word to word, as per the assigned Judgment.

Judgment Dictated on - 16.04.2026

Judgment Checked on - 16.04.2026

Judgment Signed on - 16.04.2026

(G. A. Umate)
Stenographer