



Presented on :- 11/12/2019
Registered on :- 12/12/2019
Decided on :- 02/04/2026
Duration :06Y 03M 21D

BEFORE MOTOR ACCIDENT CLAIMS TRIBUNAL AT WASHIM.

(Presided over by J.P.Zapate)

M.A.C.P. No.65/2019

[CNR No.MHWS010032062019]

Exh.61

- 1] Jyoti Panjabrao Navghare
Age : 38 years, Occu : Household
- 2] Abhijeet Panjabrao Navghare
Age : 19 years, Occu : Education
- 3] Aishwarya Panjabrao Navghare
Age : 15 years, Minor U/g of real mother
petitioner No.1 Jyoti Navghare.
- 4] Parashram Narayan Navghare
Age 65 years, Occu: Agril,
All R/o. Pangari Navghare,
Tq. Malegaon, Dist. Washim.

.... Petitioners

VERSUS

- 1] Sambhaji Manikrao Bongane
Age 38 years, Occu : Business
R/o Umra, Tq. Aundha (Na),
Dist. Hingoli.
(Owner of M & M Bolero Pick-up
bearing No.MH-38/E-1340).
- 2] Govind Sakharam Jadhav
Age 42 years, Occu: Agril & Driver
R/o. Waghi Shingi, Tq. Vasmath,
Dist.Hingoli.

.... Respondents

Claim Rs.40,00,000/- under Section 166 of the Motor Vehicles Act.

Shri. S.D.Shelke, Advocate for Petitioners
Shri.S.S.Kadhane, Advocate for Respondent no.1
Ex-parte against respondent no.2

J U D G M E N T

(Delivered on this 02nd day of April 2026)

1] This is a petition for compensation of Rs.40,00,000/- under Section 166 of the Motor Vehicles Act, 1988.

2] The case of petitioners can be summarized as under :-

Necessary particulars in respect of the deceased, vehicles and insurance particulars are as under :-

A	Name and father's name of the person dead :	Panjabrao Parasramji Navghare
B	Full address of the person dead :	R/o Pangari Navghare, Tq. Malegaon, District- Washim.
C	Age of the person dead :	40 years
D	Occupation of the person dead	Business
E	Name and address of the employer of the deceased :
F	Monthly income of the person dead :	Rs.17640/-
G	Does the person in respect of whom the compensation is claimed, pay income-tax or not?	Yes.
H	Date, time and place of accident :	On 18.11.2018 at about 05.30 p. m. Near the Hariyali Dhaba, on Hingoli Parbhani road.
I	Name and address of the Police Station in whose jurisdiction the accident took place. :	P. S. Hatta, District - Hingoli. In Cr. no.282/2018.
J	Was the person in respect of whom the compensation is claimed travelling by the vehicle involved in the accident?	No.

K	Nature of injuries sustained and continuing effect if any of the injuries.	:	As per postmortem report.
L	Name and address of Medical Officer, who attended the person dead.	:	1. Rural Hospital Aundha (Na) 2. Government Hospital, Parbhani.
M	Period of treatment and expenditure, if any incurred thereon.	:	Not-applicable.
N	Registration number and type of vehicle involved in the accident.	:	M & M Bolero Pick-up Bearing No. MH-38/E-1340
O	Name and address of the owner of the vehicle.	:	Respondent No.1 & 2. As per title clause.
P	Name and address of the insurers of the vehicle.	:	Not-applicable.
Q	Has any claim been lodged with the owner/insurer of the vehicle.	:	No.
R	Name and address of the claimants.	:	As per title clause.
S	Relationship of the claimants with the deceased.	:	Petitioner no.1 is wife & Petitioner no. 2 is son, petitioner no.3 is daughter & petitioner no.4 is father of deceased Panjabrao.
T	Amount of compensation claimed.	:	Rs.40,00,000/-.
U	Any other information that may be necessary and helpful for the disposal of the claim.	:	As stated below.

3] That, the petitioner no.1 is wife and petitioner no.2 is son and petitioner no.3 is daughter and petitioner No.4 is father of deceased Panjabrao Parasramji Navghare who died during motor vehicle accident. Petitioners and deceased Panjabrao Navghare were residing jointly and earning their livelihood by doing teacher service at Z. P. School at Ghoksawangi and earn Rs. 17,640/- per month. Deceased was only earning

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member in the family of the petitioners, and all the petitioners are depend on deceased earning. Deceased was income tax payee and regularly paid income tax till his own death. Petitioners being legal heirs and dependents of deceased are entitled to claim compensation on account of death of deceased Panjabrao Navghare.

That, on the fateful day i.e. on 18.11.2018 deceased Panjabrao Navghare and his neighbor and relatives Shamrao Panduji Dhabe to go to Jawala Bazar to meet their relatives, by the motorcycle bearing No.MH-04/GT-2693 after meet deceased relatives ut Jawala Bazar they are return to their house by the mid motorcycle, when they reached Near the Hariyali Dhaba, on Hingoli Parbhani road at the same one M & M Bolero Pick-up bearing No.MH-38/E-1340 came from Aundha (Na) side and its driver was driving in very excessive speed and in very rush and negligent manner. Due to high speed said pick-up driver not control the pick-up and came wrong side and dash to the deceased Motorcycle. Due to that the deceased Panjabrao Navghare sustained grievous head injury and unconscious on the spot, at that time road passers stop the one auto and injured Panjabrao Navghare and his relatives admitted in the Rural Hospital Aundha (Na), in this hospital medical officer check up and after primary treatment refers to Parbhani. Injured Panjabrao Navghare relatives admitted the Panjabrao Navghare in the Government Hospital Parbhani for better treatment. In this hospital doctors check-up and given primary treatment. During the treatment on same day died in the hospital. Doctor declared Panjabrao Navghare was died. The inquest panchananma was drawn by the police officer of Government Hospital Parbhani, Police Choky officer and thereafter in the Govt. Hospital Parbhani, Hospital Medical Officer Dr. Sarang N. U. done the postmortem. The said accident is the outcome of rash

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and negligent act of driver of M & M Bolero Pick-up bearing No.MH-38/E-1340.

That, on the basis of report lodged by Shamrao S/o Panduji Dhabe, at Hatta Police station after the discharge from the Hospital on dated 21.11.2018 after the funeral and religious tradition of deceased. Deceased person good in nature. All family members mentally disturb hence they are not come for filing complaint due to that complaint file after the two days delay. On the basis of complaint filing by Shamrao Panduji Dhabe at Hatta Police took entry in station diary and take entry in Crime No.282/2018 under sections 279, 304[A], 337, 338, 427 of L.P.C. were registered against M & M Bolero Pick-up driver bearing registration no.MH-38/E-1340. The said M & M Bolero Pick-up owned by respondent No. 1. Thus, it can be said that the said accident occurred only due to rash and negligent driving of M & M Bolero Pick-up bearing registration no.MH-38/E-1340 by its driver arising out of the use of motor vehicle.

That, the deceased was doing teaching work at Z. P. School Ghoksawangi School and earned of Rs.17,640 per month. He was contributing his income for the cause of family. Deceased was stout and sturdy possessing good physique. The deceased was 40 years old at the time of accident and if the accident would not occur he would have survived upto the age of 40 years and would have earned lot of for his family. If the monthly income of Rs.17,640/- per month and yearly income comes to the tune of Rs. 2,11,680/- Though he was not having any kind of bad habit, still 1/4th amount is deducted towards his personal expenses, net contribution of deceased towards his family comes to the tune of Rs.1,58,760/-. The age of deceased was in between 36 to 40 years. therefore, as per Second Schedule provided under Motor Vehicles Act multiplier of 15 is applicable. If the

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annual contribution of deceased is multiplied by 15, the future pecuniary loss sustained by petitioner due to untimely death comes to tune of Rs.23,81,400/-. And future loss of petitioners are considered 40% i.e. the Rs.9,52,560/- and deceased was hard worker and his departmental promotion is guaranteed and his earning was increase as well as his earning was double in the future.

That, the besides, pecuniary loss the petitioners also suffered non-pecuniary loss in the form of mental shock, agony pains. Petitioner no.1 has lost her husband now there is nobody to look after him. The loss sustained by petitioners cannot be compensated in terms of money, but it gives temporary relief to overcome the difficulties. Due to accident the total compensation payable to the petitioners as per given hereunder:

i) Compensation on account of Untimely death & multiplier of M.V.Act.	Rs.23,81,400/-
ii) Compensation on Future loss of 40%	Rs.9,52,560/-
iii) Compensation on Future prospects of 10%	Rs.2,38,140/-
iv) Expenses on account of conveyance charges and dead body transportation.	Rs. 17,640/-
v) Expenses on account of funeral expenses	Rs. 17,640/-
vi) Expenses on account of Consortium	Rs.1,00,000/-
vii) Expenses on account of love & affection minor	Rs.2,00,000/-

Total Compensation of	Rs.39,22,100/-

Due to accidental death of deceased. Thus, on all counts pecuniary and mon pecuniary loss of petitioners are entitled to claim compensation more than Rs.40,00,000/.

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That, the said accident occurred only due to rash and negligent driving of M & M Bolero Pick-up bearing registration no.MH-38/E-1340 by the driver of respondent No.1, and respondent No.2 is driver & Owner of the said M & M Bolero Pick-up. Therefore, both the respondents are jointly and severally liable to pay compensation to the petitioners together with 12% per annum interest from the date of accident.

Case of Respondent no.1:

4] That the claim petition of the petitioner is false vexatious, exaggerate and excess one on this count the claim petition of petitioner is liable to be rejected. That the contents of para no.1 of petition in regard to name, address, age, occupation, monthly income, tax payer, and also place, date, time of accident and injurious substance and also relationship with deceased of petitioner amount of compensation is denied in toto. It is specifically denied for want of knowledge relationship of petitioners with deceased and he was teacher in Z.P. School at Ghoksawangi and was earning 17,400/- per month. It is also denied that the petitioner was dependent on him and deceased was tax payer.

As to the content para 2 : It is denied that on 18.11.2018 deceased Panjabrao Navghare and his neighbor and relative Shamrao Dhabe had gone on his motorcycle MH-04 GT2693 to meet his relative at Jawala Bazar and after returned on his motorcycle when they reached near Hariyali Dhaba on Hingoli-Parbhani road at the same time M&M Bolero pick up bearing no. MH-38 E 1340 came from Aundha (Na.) and his driver was driving the said vehicle very high speed and rash and negligent manner. It is denied that due to which the driver could not the control the pickup van and came wrong side and that to the motorcycle at result of which deceased Panjabrao sustained grievous head injury. It is denied that thereafter he was

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admitted at rural hospital Aundha and thereafter at Parbhani and thereafter he succumbed injury. Rest of the content as to conducting of postmortem and inquest panchanama etc., is denied as to the content of para 4 of the petition it not disputed that the offence of registered against the driver of offending pick-up MH38 E 1340. It is submitted that the said offence registered by filing false and concocted report of informant with intent to grab money from respondent.

As to the content of the para 5 of the petition : It is denied that deceased was teacher and was drawing 17,640/- per month and he was age about 40. It is also denied as to yearly income, $\frac{1}{4}$ th deduction, multiplier, total less in respect of consortium future prospect income and all other expenses are denied. The claim of 40 lacs as stated and calculated in para of the petition is total is dented.

As to the para no. 7 : It is denied that the respondent no.1 being owner of the offending vehicle he is jointly severally liable for compensation to the petitioner together with interest. As to the contents of para no.8 in respect of jurisdiction of trying the petition is denied. As to the contents of para no.9 filing of separate application U/s 140 of MV Act is denied in view of new amendment motor vehicle Act 2018 the section U/s 140 is deleted therefore no petition for interim relief can be entertained and on this count alone petition U/s 140 of MV Act is liable to be dismiss. As to the contents of para no.9, 10, 11 and prayer clause is denied in toto having false and concocted.

This respondent further submits that prior to accident the offending Bolero pickup bearing No. MH-38 E 1340 had sold to the respondent no. 2 Govinda Jadhao, dated 29.01.2018 and delivered the said vehicle in-to the possession of respondent no. 2 on same day along with all

document and making signature on transfer form. In pursuant to sale agreement the liability of tax, insurance, accident, police cases of offending vehicle had been shifted towards respondent no.2. The said agreement of sale is notarized before notary officer. The said respondent no. 2 is owner and driver of the offending vehicle in view of provision of sale of goods act which governs for sale of movable property and this respondent has no any concerned with the Bolero pickup vehicle. Therefore this respondent is not jointly and severally liable with respondent no.2. The police statement of respondent no. 2 dated 23.08.2019 relied by the petitioner is sufficient proof in that regard and so the petitioner could not have been made party to this respondent, to the petitioner despite having full knowledge that offending vehicle had been sold by this respondent to the respondent no. From the above count it-self the petition of petitioner is liable to be rejected so far as this respondent is concerned.

It is further submitted that from the fact and circumstance of the case it appears that the deceased namely Panjabrao Navghare is driving his motor cycle bearing no. MH-04-GT-9693 on wrong side and due to his own fault he has been died and another was injured. As per provision of the law if the deceased has full fault the petitioner is not entitled for getting compensation from the person having no fault on this count the petition of the petitioner is not maintainable and liable to be dismissed.

That, the complainant is relatives above incident had been lodged false report in the police station at Hatta District Hingoli on dated 22.11.2018 for the incident occurred on 18.11.2018 and there is no plausible explanation in regard to delay in lodging the FIR. The delay lodging the FIR itself is sufficient to show that the report is lodged against the offending vehicle only in order to get the compensation from this respondent with

ulterior motive and with oblique motive. This is also reason to reject the claim petition of the petitioner.

It is further submitted that this respondent with alleged occurrence of Incident and therefore this respondent is not at all liable to pay compensation to the petitioner. The petitioner by misleading to this Hon'ble Court filed exaggerate claim against the respondent without any basis and against the provision of law and therefore the claim petition is not sustainable in the eyes of law and same is liable to be dismissed.

In fact during investigation there is none eye witness found to substantiate the claim of the claimant and without proper investigation the false offence came to be lodged and against offending vehicle and respondent no.2. That the spot panchanama regarding occurrence of incident is vague in which the police did not mention the exact spot of Incident of offending vehicle as well as vehicle of deceased The said spot is not shown by complainant. That itself does not support to the story put forth by the claimant on the contrary it support to the version of respondent. It is further submitted that, the police without any investigation lodged the false report against the respondent and its vehicle. The same could not be considered to be true. Hence the claim of petitioner upon the false document could not be said to be genuine and on these ground the petitioners are not entitle for compensation against the respondents.

It is further submitted that petitioner filed this application with malafide Intention to get wrongful and Illegal gain from this respondent. Petition filed by petitioner no.4 who is not successor nor dependent so the petitioner is not entitled for compensation. The petition is false & highly exaggerated amount & not filed with cogent Income proof and age with in prescribed manner. Hence the claim of claimant be liable to be rejected

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considering the over all scenario of the case and fact and circumstances of the case the application of applicant u/s 166 and 140 of M.V.Act is liable to be dismissed with compensatory cost of Rs.1,00,000/- hence this written statement is given on.

5] Respondent no.2 remained absent. Hence, matter proceeded ex-parte.

6] **Evidence of applicant/ petitioner :**

Petitioner has examined petitioner no.1 Parashram Navghare at Exh.15. P.No.2 Gajanan Sonune at Exh.40

Evidence of respondent no.1 :

7] Respondent has examined himself at exh.46.

Argument :

8] It is argued by Ld.advocate Shri.Shelke that the accidental death of Panjabrao is admitted position. He was having salary of Rs.47018/-. Hence, his yearly income Rs.5,64,216/-. Considering 40 percent future prospect his total claim comes upto Rs.976828/- because at the time of accident considering his age multiplier 15 will be applicable. Hence, they are praying for allowing the petition.

9] Per contra, it is argued by Ld.advocate Shri.Kadhane that petitioners were not dependent on deceased. Petitioner no.1 is getting pension and other petitioners are earning their own income. Jeep involved in accident was sold to respondent no.2. Hence, only because of mutation of name of respondent no.1 in registration document he is not liable to payment of compensation. Hence, they are praying for rejection of petition.

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10] Having heard following points arise for my consideration together with my findings thereon for the reasons recorded below :

Sr. No.	POINTS	FINDINGS
1]	Whether the applicant proves that Panjabrao Navghare died due to accidental injuries, which took place on 18/11/2018 at about 5.30 p.m. on Hingoli to Parbhani road near Hariyali Dhaba due to rash and negligent driving of offending Bolero pickup bearing no.Mh 38 E-1340 by respondent no.1?	Accordingly.
2]	Whether the applicants proves that they are entitled to get the compensation from respondents ? If yes, to what extent and from whom ?	Accordingly.
3]	What order ?	As per final order.

REASONS

Point no.1 to All :

11] In this case pleading as well as oral evidence of witness Parashram Navghare Exh.15 shows that on 18/11/2018 Panjabrao died in accident because Mahindra pickup MH 38 E 1340 gave dash to motorcycle of Panjabrao due to which he died in the accident. FIR Exh.17 and 18 shows the same. Remaining documents Exh.19 to 30 shows that deceased Panjabrao died in motor vehicle accident. In fact, written statement of respondent no.1 as well as cross-examination shows that they have not dispute accident death.

12] Oral evidence of Gajanan Sonune Exh.40 shows that deceased was earning monthly salary of Rs.47,018/-. At the time of death of Panjabrao his age was 40 years.

13] It is case of respondent no.1 that he had sold Bolero pickup to respondent no.2. To that effect his oral evidence Exh.46 he has stated same.

But his cross-examination shows that still his name is mutated to vehicle as registered owner. Document produced by him alongwith list Exh.49 shows execution of stamp paper but it is not proved.

14] No doubt stamp paper shows agreement about Bolero pickup involved in accident. Admittedly name of respondent no.1 was mutated as registered owner to vehicle. In view of Section 166 of Motor Vehicle Act claim can be preferred against owner and driver. Admittedly name of respondent no.1 is mentioned as registered owner and it has yet to be changed. Admittedly, respondent no.2 was driving Bolero pick-up at the time of accident.

15] At the time of accident age of deceased was 40 years. He was earning Rs.47018/-per month salary. He was serving as teacher. So his yearly income comes upto 5,64,216/-. As per catena of decision and as per Sarla Varma case 40 percent future prospect to be added. Its total comes upto Rs.18807.20/- per month. So his total monthly income is Rs.65,825.20/-. Out of which Rs.13,165/- have to be deducted per month. So his total monthly income comes upto Rs.52660/-. If it is multiplied by 12 months then yearly income comes upto Rs.6,31,921/-. As discussed early at the time of death his age was 40 years hence multiplier 15 will be applicable. So compensation amount comes to the tune of Rs.94,78,826/-. Considering the loss of estate, future expenditure and consortium total compensation will come upto tune of Rs.95,00,000/-. Hence, I record my findings accordingly and pass following order.

ORDER

- 1] Petition is allowed as under.
- 2] Opponent No.1 & 2 shall pay compensation amount of Rs.95,00,000/-(Rupees Ninety Five Lakhs only) to the applicants

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jointly and severally together with interest @ 9% p.a. from the date of filing of the petition till its realization.

- 3] Out of compensation amount of applicant no.1 be given 40 percent amount. Applicant no.2 to 4 be given 20 percent amount each.
- 4] Award be drawn up after payment of deficient court fee if any accordingly.

Date: 02/04/2026

(J. P. Zapate)
Member,
M.A.C.T., Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order.

Name of the Stenographer :- R.K.Pawar, Stenographer (Grade-1)
Court Name :- District Judge-1 and A.S.J., Washim.
Date :- 02/04/2026
Order signed by the
Presiding Officer on :- 06/04/2026
Order uploaded on :- 30/05/2026