Received on	18	06	2019
Registered on	28	06	2019
Decided on	09	07	2026
Duration	Years	Months	Days
	07	00	21

IN THE COURT OF THE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL, BARAMATI, AT BARAMATI
(PRESIDED OVER BY HITENDRA URMILA ANILKUMAR WANI)

M.A.C.P. NO. 94/2019
EXH.NO. 81

1. **Prabhavati Vishwasrao@ Vishwas Chandgude**
Age - 50 years, Occupation : Household,

2. **Pravinkumar Vishwasrao @ Vishwas Chadngude**
Age - 25 years, Occupation : Service,

3. **Aanandibai Vitthalrao Chandgude**
Age - 75 years, Occupation : Nil
All R/o. Karhati, Tal. Baramati, Dist. Pune .....**Applicants**

V E R S U S

1. **Swapnil Waman Darade**
Age - 21 years, Occupation : Driver,

2. **Waman Mahadeo Darade**
Age - 45 years, Occupation : Business,
Both R/o.111, MIDC Rui, Baramti, Tal.baramti,
Dist Pune

3. **HDFC Ergo General Insurance Co. Ltd.**
Through its Divisional Manager,
Aditya Birla Insurance Broekers Ltd.
One India Bulls Centre, Tower 1,, 14^{th} Floor,
Jupiter Mill Compond, 841,
Senapati Bapat Marg Elpinstone Road,
Mumbai – 400013 ,...**Respondents**

Appearances :

For Applicants	**:**	**Shri. B. A. Deshmukh, Ld. Advocate**
For Respondent Nos.1 & 2	**:**	**Shri. V. N. More, Ld. Advocate**
For Respondent No.3	**:**	**Shri. S. G. Santikar, Ld. Advocate**

JUDGMENT
(Delivered on 09th July 2026)

1. This is an application under S.166 of Motor Vehicles Act, 1988 for grant of compensation on account of death of late Vishwasrao @ Vishwas Vitthal Chandgude (for the sake of brevity hereinafter referred to as 'the deceased') in road vehicular mishap.

2. Shorn of unnecessary details, case of applicants is as under :

A. Applicants are the legal representatives of the deceased.

B. On dt. 27/01/2019 deceased was proceeding towards Karhati from Morgaon through his motorcycle. At that time, one speeding vehicle bearing registration no. MH-42/AH-5463 (for the sake of brevity hereinafter referred to as 'the offending vehicle'), which was owned by respondent no.2 and which was being driven in a rash and negligent manner by respondent no.1, gave a dash to the motorcycle of the deceased. Due to the said impact, the deceased sustained serious injuries and consequently died.

C. Accordingly, Vadgaon Nimbalkar Police Station registered an offence against the driver of offending vehicle.

D. The deceased was aged about 55 years and he was serving as a Agriculture Supervisor and he was getting salary Rs.62,768/- per month from his service. Moreover, he was also getting income of Rs.1,20,0000/- per month from his agricultural business.

E. Respondent no.1 was driving the offending vehicle. Respondent no.2 is the owner of offending vehicle. Moreover, offending vehicle was insured with respondent no.3 insurance company. Therefore, all of them are jointly and severally liable to pay compensation to the applicants.

F. Accordingly, it is prayed to grant the compensation of Rs.68,86,237/-.

3. Respondent no.1 and 2 have resisted the claim vide their written statement at Exh.23. They have categorically denied all the rival averments of the claim petition. It is submitted that accident was occurred due to negligence of the deceased. As such, respondent no.1 and 2 are not liable to pay compensation to the applicants. Accordingly, to prayed the dismissed the claim petition. In the alternative, It is submitted that, as the offending vehicle is insured with the respondent no.3 company, the liability of payment of compensation shall be cast upon the respondent no.3 company.

4. Respondent no.3 company has resisted the claim vide its written statement at Exh.18. It has admitted the fact that at the time of alleged incident offending vehicle was insured with the respondent no.3 company. However, it has denied all the other rival contentions of the claim petition. Moreover, alleged incident was occurred due to negligence of the deceased. Furthermore, there was breach of insurance policy at the hands of respondent No. 1 as at the time of accident the driver of the offending vehicle was not holding

valid and effective license. Accordingly, it is prayed to dismiss the claim petition.

5. My Ld. Predecessor has framed the issues at **Exh.24.** I reproduce the same along-with my findings for the reasons stated thereunder :-

Sr. No.	Issues	Findings
1.	Whether the accident took place due to driving the vehicle bearing Registration No. MH-42/AH-5463 rashly and negligently and Vishwas Chandgude died of the accidental injuries ?	In The Affirmative
2.	Whether the claimants are entitled to get compensation ? If so, to what extent ?	In The Affirmative As Per Final Order
3.	Who is liable to pay the compensation ?	As Per Final Order
4.	What order ?	Claim Petition Is Partly Allowed

REASONS

6. To substantiate their claim, applicants have examined applicant no.1 Prabhavati as A.W.1 at Exh.26, A.W. 2 Bharat Kisan Khilare at Exh. 48 and A.W. 3 Manjusha Kulkarni at Exh. 67. In rebuttal, respondent No. 1 namely Swapnil Darade examined himself at Exh. 73. Respondent No. 3 company has not adduced its evidence.

7. Heard Ld. Counsel for applicants and respondents.

8. Ld. Counsel for the claimants submitted that deceased was 55 years old. As per police papers, he died due to rash and

negligent driving of the offending vehicle. He was drawing salary of Rs.62,568/- per month. Accordingly, it is prayed to grant compensation. Per contra, Ld. Counsel for the respondents submitted that claimants failed to prove the rashness and negligence on the part of driver of the offending vehicle. Therefore, respondent No. 3 company is not liable to pay the compensation. Hence, it is prayed to dismiss the claim.

AS TO ISSUE NO.1 :-

9. Before adverting to the merits of the claim, it is apposite to note the standard of proof required in Motor Accident Claim cases. In ***Bimla Devi vs. Himachal Road Transport Corporation*** reported in ***(2009) 13 SCC 530***, Hon'ble Apex Court has held that in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, the Tribunal has to determine the amount of fair compensation to be granted in the event an accident has taken place by reason of negligence of a driver of a motor vehicle. A holistic view of the evidence has to be taken into consideration by the Tribunal and strict proof of an accident caused by a particular vehicle in a particular manner need not be established by the claimants. The claimants have to establish their case on the touchstone of preponderance of probabilities. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident.

10. Recently, in ***ICICI Lombard General Insurance Co. Ltd. Vs. Rajani Sahoo & Ors.*** reported in ***2025 INSC 6*** Hon'ble Apex Court

held that there can be no dispute with respect to the position that the question regarding negligence which is essential for passing an award in a motor vehicle accident claim should be considered based on the evidence available before the Tribunal. If the police records are available before the Tribunal, taking note of the purpose of the Act it cannot be said that looking into such documents for the aforesaid purpose is impermissible or inadmissible.

11. In view ratio laid down in the authorities cited supra, it is clear that while considering a petition for compensation for death or injury in a road accident, the standard of proof to be applied by the Motor Accident Claims Tribunal, is the preponderance of probabilities and the standard of proof of beyond reasonable doubt would not apply. Similarly, it is also explicit that in motor accident claims cases, police records can be looked into by the Tribunal to determine the question of negligence. By keeping the aforesaid principles in my mind, I proceed to analyze the evidence on record.

12. A.W.1 Prabhavati (Exh.26) deposed that on dt. 27/01/2019 deceased was proceeding towards Karhati from Morgaon through his motorcycle. At that time, the offending vehicle, which was being driven in a rash and negligent manner, gave a dash to the said motorcycle. Due to the said impact, the deceased sustained serious injuries and consequently died.

13. Perusal of F. I. R. (Exh.34) shows the occurrence of vehicular accident, involvement and negligence of offending vehicle

in the said incident, and death of deceased in the said mishap as claimed by the claimants. There is nothing on record to suggest any negligence on the part of the deceased at the time of alleged incident. These facts show the negligence on the part of driver of offending vehicle. Therefore, it is clear that evidence of A.W. 1 Prabhavati (Exh.26) is duly corroborated by the F. I. R. (Exh.34). Resultantly, I hold that applicants have duly proved that deceased Vishwasrao Chandgude died in a vehicular accident on 27/01/2019 due to rash and negligent driving on the part of offending vehicle. Hence, I record my finding to issue no.1 in the affirmative.

AS TO ISSUE NO.2 AND 3 :-

14. Respondent No. 3 company has alleged that there was breach of policy as the driver of the offending vehicle was not holding valid and effective license. However, it is significant to note that copy of driving license of the respondent No. 1 filed at Exh. 74 shows that respondent No. 1 who was the driver of the offending vehicle was holding valid and effective driving license on the date of accident. Therefore, mere allegation that there was breach of policy is not sufficient to prove the same.

Entitlement of compensation :

15. A.W.1 Prabhavati (Exh.26) deposed that deceased was his husband, applicant no.2 is the son of the deceased and applicant no.3 is the mother of the deceased.

16. It is significant to note that respondents have not disputed the relationship between the claimants and deceased.

Moreover, there is nothing on record to cast doubt on the relationship of the deceased with the claimants. Therefore, evidence of applicants that they are the legal representatives of deceased appears to be reliable and cogent. Therefore, I hold that claimants have proved that they are the legal representatives of the deceased. It is proved that deceased died due to rash and negligent driving of the offending vehicle. In view of aforesaid facts and circumstances of the case, claimants are entitled to claim compensation on account of death of the deceased due to rash and negligent driving of the offending vehicle.

Liability to pay compensation :

17. As it is proved that respondent no.1 drove the offending vehicle in a rash and negligent manner. He is liable to pay compensation to the applicants. It is undisputed that respondent no.2 was the owner of the offending vehicle. Therefore, there is master and servant relationship between the respondent no.2 and driver of the offending vehicle. As such, respondent no.2 is vicariously liable for the rash and negligent acts of his servant i.e. driver / respondent no.1.

18. It is undisputed that the offending vehicle was insured with the respondent no.3 company. Therefore, respondent no.3 Company is also liable to pay the compensation in respect of loss caused by rash and negligent driving of the offending vehicle.

19. In view of above-said discussion, respondent Nos.1 to 3 are jointly and severally liable to pay compensation to the claimants, who are the legal representatives of the deceased. Accordingly, I proceed to determine the amount of compensation.

Principles in respect of determination of amount of compensation :

20. In order to determine the just and fair compensation, it is necessary to ascertain loss of dependency. It is well settled that the annual contribution to the family (multiplicand) when multiplied by the multiplier gives the 'loss of dependency'. It is also well settled that multiplicand is to be ascertained on the basis of income of the deceased. In ***National Insurance Company Ltd. Vs. Pranay Sethi*** reported in ***(2019) 16 SCC 680*** Hon'ble Apex Court held that while determining the income, an addition of the following percentage of the actual salary to the income of the deceased towards future prospects should be made :

Age Group	**Addition on account of future prospects, if in permanent employment**	**Addition on account of future prospects, if self employed**
Less than 40	50%	40%
40-50	30%	25%
50-60	15%	10%

21. In ***Sarla Verma Vs. DTC*** reported in ***(2009) 6 SCC 121*** Hon'ble Apex Court held that out of the income of the deceased, a deduction in following manner should be made in regard to the

amount which the deceased would have spent on himself by way of personal and living expenses:

Deductions	Conditions
½	Bachelor
1/3	Bachelor having large no. of dependents
1/3	Deceased was married having family of 2-3 members
1/4	Family of 4-6 members
1/5	Family exceeding 6 members

22. Similarly, in ***National Insurance Company Limited Vs. Pranay Sethi and Ors.*** reported in ***MANU/SC/1366/2017*** Hon'ble Apex Court held that in case of death claim, claimants are entitled to reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years. As the said Judgment is having prospective effect and as the accident was occured in the year 2019, the amount of under conventional heads would be as under :

Name of Conventional Head	Amount
Loss of estate	Rs.15,000/-
Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-

23. In view of authority of Hon'ble Apex Court in the case of ***Magma General Insurance Company Ltd. Vs. Nanu Ram @ Chuhru Ram*** reported in ***(2018) 18 SCC 130*** it is clear that each applicant is entitled for compensation towards loss of consortium.

24. By keeping in mind above-said principles, I proceed to determine the amount of compensation.

<u>Determination of age of deceased and applicable Multiplier</u> :-

25. Perusal of salary certificate (Exh.62) shows the date of birth of the deceased as 09/03/1963. As such, considering the above said date of birth, it can be said that at the time of accident deceased was aged about 55 years. Therefore, in view of authority of Hon'ble Apex Court in ***Sarla Verma v. DTC,*** **(2009) 6 SCC 121** multiplier of 11 would be applicable.

Income of deceased :-

26. It is claimed that deceased was also earning money from his agricultural land. It is significant to note that there is no documentary evidence on record to show that deceased was having income from the agricultural land. As such, evidence of applicants to the effect that deceased was having income from the agricultural land is not reliable.

27. Perusal of Salary Certificate (Exh.62) shows the salary of the deceased for the month of January, 2019 as under :-

Salary	**May 2017**	**Deductions**	**May 2017**
Basic Salary	24670/-	**Professional**	200/-

		Tax	
Dearness Allowance	35031/-	**Income Tax**	1000/-
House Rent Allowance	2,467/-	**GPF**	10,000/-
Transport Allowance	600/-	**GIS**	480/-
		Festival Allowance	1000/-
		Co-operative Credit Society	1000/-
Total	62,768/-	**Total**	13,680/-
Net Salary = Rs. 49,088/-			

28. In view of authority of Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and Ors.*** reported in ***MANU/SC/1366/2017*** it is clear that actual income means income minus taxes.

29. In ***Raghuvir Singh Matolya and Ors. vs. Hari Singh Malviya and Ors.*** reported in ***MANU/SC/0853/2009*** Hon'ble Apex Court held that :

> *"7. Dearness allowance, in our opinion, should form part of income. House rent allowance is paid for the benefit of the family members and not for the employee alone. What would constitute an income, albeit in a different fact situation, came up for consideration before this Court in National Insurance Co. Ltd. v. Indira Srivastava and Ors. MANU/SC/8201/2007MANU/SC/8201/2007 : AIR2008SC845 wherein it was held:*
>
> *19. The amounts, therefore, which were required to be paid to the deceased by his employer by way of perks, should*

be included for computation of his monthly income as that would have been added to his monthly income by way of contribution to the family as contradistinguished to the ones which were for his benefit. We may, however, hasten to add that from the said amount of income, the statutory amount of tax payable thereupon must be deducted.

20. The term "income" in P. Ramanatha Aiyar's Advanced Law Lexicon (3rd Edn.) has been defined as under:

The value of any benefit or perquisite whether convertible into money or not, obtained from a company either by a director or a person who has substantial interest in the company, and any sum paid by such company in respect of any obligation, which but for such payment would have been payable by the director or other person aforesaid, occurring or arising to a person within the State from any profession, trade or calling other than agriculture.

It has also been stated:

Income' signifies `what comes in' (per Selborne, C., Jones v. Ogle). `It is as large a word as can be used' to denote a person's receipts (per Jessel, M.R., Re Huggins). Income is not confined to receipts from business only and means periodical receipts from one's work, lands, investments, etc. Secy. to the Board of Revenue, Income Tax v. Al. Ar. Rm. Arunachalam Chettiar & Brothers. Ref. Vulcun Insurance Co. Ltd. v. Corpn. of Madras.

21. If the dictionary meaning of the word "income" is taken to its logical conclusion, it should include those benefits, either in *terms of money or otherwise, which are taken into consideration for the purpose of payment of income tax or professional tax although some elements thereof may or may not be taxable or would have been otherwise taxable but for the exemption conferred thereupon under the statute." To the same effect is the decision of this Court in Oriental Insurance Co. Ltd. v. Ram Prasad Varma and Ors. MANU/SC/0030/2009MANU/SC/0030/2009 : AIR2009SC1831 .*

8. We, therefore, are of the opinion that `Dearness Allowance' and `House Rent Allowance' payable to the deceased should have been included for determining the income of the deceased and consequently the amount of compensation."

30. In ***The Manager, United India Insurance Co. Ltd. vs. B. Chitra and Ors.*** reported in ***MANU/TN/6232/2024*** Hon'ble Madras High Court held that some of allowances which are granted to the employee which is personal in nature. For example, uniform allowance, conveyance allowance shall not be added with the monthly income for the purpose of granting of compensation.

31. In view of ratio laid down in the abovesaid authorities, it is well settled that house rent allowance is for the benefit of the family of the employee. As such, it needs to be taken into consideration while computing the income of the deceased. Similarly, it is also well settled that allowances which are granted to the employee for the personal benefits shall not be added while computing the monthly income for the purpose of granting

compensation. As such, out of above the conveyance allowance cannot be taken into consideration while computing income of the deceased. Considering the aforesaid facts and circumstances of the case the monthly income of the deceased can be computed as under :-

Salary	**May 2017**
Basic Salary	24,670/-
Dearness Allowance	35,031/-
House Rent Allowance	2,467/-
Total	62,168/-
Less - Professional Tax & Income Tax	1200/-
Net Monthly Salary = 60,968/-	

32. In view of the aforesaid decision in ***National Insurance Co. Ltd. Vs Pranay Sethi*** reported in ***(2017)16 SCC 680***, 15% will have to be added for future prospects as the deceased was 53 years of age. Accordingly, calculation in respect notional annual income of the deceased is as under :

Sr. No.	Mode of Calculation	Actual Calculation	Total Amounts (In Rs.)
1	Amount of monthly income	60,968	7,31,616/-
	X 12 months	12	
	Total Notional Annual Income	7,31,616/-	
2.	Add future prospects @15% of yearly income	X 15/100	1,09,742/-
	Total	1,09,742/-	
3.	**Total Notional Annual Income**		**8,41,358/-**

Thus, the yearly income of the deceased comes to Rs.8,41,358/-.

Determination of dependents:-

33. It is undisputed that the deceased was married having family of 3 members in his family. As such, in view of ratio laid down in the *Sarla Varma's case (cited supra)*, 1/3rd amount needs to be deducted from the income of the deceased towards the living and personal expenses of the deceased.

34. Applicants have claimed that they have incurred the expenses of Rs. 9,61,685/- towards the medical treatment of the deceased. The evidence of applicants is corroborated by the evidence of A.W.-3 Manjusha (Ex.67) and documents at Exh. 69. Therefore, applicants are also entitled for the reimbursement of the said amount.

Calculation as to amount of compensation :-

35. Considering above-said facts and circumstances of the case, calculation of compensation is as under :

Sr. No.	Name of Head of compensation		Calculation of compensation	Total Amount (In Rs.)
1.	Loss of Estate	:	-	₹ 15,000.00
2.	Funeral Expenses	:	-	₹ 15,000.00
3.	Loss of spousal, parental and filial Consortium	:	₹ 40,000.00/-	
3A.	Total number of	X	3	

	dependents			
3B.	Total amount of consortium		₹ 1,20,000/-	₹ 1,20,000/-
4.	Calculation as loss of dependency :	:		
4A.	Yearly notional income	:	₹ 8,41,358/-	
4B.	Less - 1/3rd deduction towards personal and living expenses as there are three dependents on the deceased.	-	₹2,80,452.67/-	
		=	₹5,60,905.33/-	
4C.	Use of Multiplier of 11 (As age of the deceased was 53 years)	X	11	
		=	₹61,69,958.67/-	
4D.	Actual loss of dependency			₹61,69,958.67/-
5.	Medical Expenses			₹9,61,685/-
6.	Total compensation	1	₹ 15,000.00	₹72,81,643.67/-
		+ 2	₹ 15,000.00	
		+ 3B	₹ 1,20,000/-	
		+ 4D	₹61,69,958.67/-	
		5	₹9,61,685/-	
		=	₹72,81,643.67/-	
7.	Less – Amount paid for no fault liability	-	Nil	Nil
8.	Amount payable after deducting amount of No Fault Liability			₹72,81,643.67/-
9.	**Net payable amount of compensation**			**₹72,81,643.67/-**

Accordingly, total amount of compensation payable to the claimants shall be **₹ 72,81,643.67/-.** Said amount is rounded off to **₹ 72,81,644/-.**

Rate of interest :

36. In ***Abati Bezbaruah Vs. Dy. Director General, Geological Survey of India and Another*** reported in ***MANU/SC/0121/2003*** Hon'ble Apex Court held that the question as to what should be the rate of interest would depend upon the facts and circumstances of each case and award of interest would normally depend on the bank rate prevailing at that time. Accordingly, I proceed to determine the rate of interest.

37. Accident was occurred on dt. 27/01/2019. Therefore, cause of action to raise the claim for compensation was arose in the year 2019. Moreover, present case is pending since the year 2019 i.e since last 07 years. Compilation of data by National Savings Institute(https://www.nsiindia.gov.in/(S(sv2m2rzmw2rzea5520iw5j45))/InternalPage.aspx?Id_Pk=185) shows that during the period from 01-01-2019 to 31-03-2019, the rate of interest for 5 years time deposit was 7.80 % per annum. As such, it will be just and proper to direct the respondents to pay compensation @ 7.80 % per annum.

Mode of disbursement of compensation :-

38. In ***General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Susamma Thomas and Ors.*** reported in

MANU/SC/0389/1994 Hon'ble Apex Court has laid down following guidelines in respect of apportionment of compensation:

> *"(1) The Claims Tribunal should, in the case of minors, invariably order the amount of compensation awarded to the minor invested in long term fixed deposits at least till the date of the minor attaining majority. The expenses incurred by the guardian or next friend may however be allowed to be withdrawn;*
>
> *(ii) In the case of illiterate claimants also the Claims Tribunal should follow the procedure set out in (i) above, but if lump sum payment is required for effecting purchases of any movable or immovable property such as agricultural implements, rickshaw, etc., to earn a living, the Tribunal may consider such a request after making sure that the amount is actually spent for the purpose and the demand is not a rouge to withdraw money;*
>
> *(iii) In the case of semi-literate persons the Tribunal should ordinarily resort to the procedure set out at (i) above unless it is satisfied, for reasons to be stated in writing, that the whole or part of the amount is required for expanding and existing business or for purchasing some property as mentioned in (ii) above for earning this livilihood, in which case the Tribunal will ensure that the amount is invested for the purpose for which it is demanded and paid;*
>
> *(iv) In the case of literate persons also the Tribunal may resort to the procedure indicated in (i) above, subject to the relaxation set out in (ii) and (iii) above, if having regard to the age, fiscal background and strata of society to which the claimant belongs and such other considerations, the Tribunal in the larger interest of the claimant and with the view to ensuring the safety of the compensation awarded to him thinks it necessary to do order;*

(v) In the case of widows the Claims Tribunal should invariably follow the procedure set out in (i) above;

(vi) In personal injury cases if further treatment is necessary the Claims Tribunal on being satisfied about the same, which shall be recorded in writing, permit withdrawal of such amount as is necessary for incurring the expenses for such treatment;

(vii) In all cases in which investment in long term fixed deposits is made it should be on condition that the Bank will not permit any loan or advance on the fixed deposit and interest on the amount invested is paid monthly directly to the claimant or his guardian, as the case may be.

(viii) In all cases Tribunal should grant to the claimants liberty to apply for withdrawal in case of an emergency. To meet with such a contingency, if the amount awarded is substantial, the Claims Tribunal may invest it in more than Fixed Deposit so that if need be one such F.D.R. can be liquidated."

39. It is undisputed that the applicant no.1 Prabhavati is a widow and respondent no. 3 is the senior citizen. They are unable to manage their financial affairs. All the applicants hails from rural background. Therefore, in view of the guidelines laid down in the authority of Hon'ble Apex Court in the case of ***General Manager, Kerala Road Transport Corporation Vs. Sushamma Thomas & ors. (cited supra)***, it will be just and proper to direct 50% of the compensation amount payable to the applicant no.1 & 2 to be kept in Fixed Deposits in the names of the applicant no.1 & 2 for not less than five years and remaining amount is to be paid to them by NEFT or RTGS so that they can meet their urgent financial needs. Moreover, considering the old age of applicant No.3, it will be just and

proper to direct 30% of the compensation amount payable to the applicant no.3 to be kept in Fixed Deposit in the name of the applicant no. 3 for not less than three years and remaining amount is to be paid to her by NEFT or RTGS so that she can meet her urgent financial and medical needs.

Apportionment of compensation :

40. In ***Abdul Rahman & Ors. Vs. Dayaram & Ors.*** reported in ***MANU/MH/0742/1988*** Hon'ble Bombay High Court held that the court cannot be guided by personal law while deciding upon the apportionment of the compensation and the compensation was paid taking into consideration the dependency of the Claimants. As such, considering the age of the applicants, their financial needs and their loss of dependency, I deem it proper to apportion the compensation in the ratio of 30 : 30 : 40 to applicants no. 1 to 3.

41. In view of my aforesaid discussion, I hold that applicants are entitled to the compensation as discussed above. Accordingly, I record my finding to issue no.3.

AS TO ISSUE NO.4 :-

42. In view of my aforesaid discussion, claim petition deserves to be allowed in part. It is pertinent to note that claimants have not produced the details regarding their bank accounts. As such, it will be just and proper to issue direction regarding depositing compensation amount into the bank account of the tribunal for its

further disbursement to the claimants. Hence, logical corollary of my aforesaid findings leads me to pass the following order:-

<table>
<tr><td></td><td colspan="3"><u>FINAL ORDER</u></td></tr>
<tr><td>1.</td><td colspan="3">The claim petition is partly allowed with costs.</td></tr>
<tr><td>2.</td><td colspan="3">The respondent nos.1 to 3 do jointly and severally pay compensation of <u>₹ 72,81,643.67/-.</u> (Rupees Seventy Two Lakhs Eighty One Thousand Six Hundred and Forty Three Only) to the applicants vide Section 166 of the Motor Vehicles Act, 1988 (including amount of 'No Fault Liability') along with interest @ 7.80% p.a. from the date of application i.e. from dt. 18/06/2019 to till realization of the said compensation amount.</td></tr>
<tr><td rowspan="5">3.</td><td colspan="3">Respondent Nos.1 to 3 are directed to deposit the awarded amount to the credit of the bank account of this Tribunal directly by NEFT/RTGS. The details of the bank account of this Tribunal are as under:</td></tr>
<tr><td>Account Name</td><td colspan="2">MOTOR ACCIDENT CLAIMS TRIBUNAL, BARAMATI</td></tr>
<tr><td>Nae of Bank</td><td colspan="2">State Bank of India, Branch : Baramati</td></tr>
<tr><td>Account No.</td><td colspan="2">41054900515</td></tr>
<tr><td>IFSC code</td><td colspan="2">SBIN0000321</td></tr>
<tr><td rowspan="3">4.</td><td colspan="3">The apportionment and disbursement of the compensation payable to the applicants no.1 to 3 is as follows:</td></tr>
<tr><td>Claimants</td><td colspan="2">Apportionment & Mode Of Disbursement Of Compensation</td></tr>
<tr><td>Applicant</td><td>30%</td><td>Out of it 50% by RTGS or NEFT</td></tr>
</table>

	No.1		Out of it 50% by Fixed Deposit for 5 years.
	Applicant No.2	30%	Out of it 50% by RTGS or NEFT
			Out of it 50% by Fixed Deposit for 5 years.
	Applicant No.3	40%	Out of it 70% by RTGS or NEFT
			Out of it 30% by Fixed Deposit for 3 years.
5.	Accounts officer is directed to make the payment to the applicants by NEFT/RTGS on submitting their bank account, passbook, photocopy duly verified by their banker and against proper identification by obtaining acknowledgment thereof on payment of deficit Court fees, if any. A/c officer is further directed to invest the amount as per the usual office procedure.		
6.	The applicants are allowed to withdraw the accrued periodical interest on their Fixed Deposits.		
7.	Claimants are directed to pay deficit court fees, if any within one month from the date of order.		
8.	Award be drawn up accordingly.		
	(Dictated and pronounced in open Court.)		

DISTRICT COURTS MAHARASHTRA

Digitally signed by HETENDRA ANILKUMAR WANI
Date: 2026.07.09 17:20:08 +0530

(Hitendra Urmila Anilkumar Wani)
Member,
Motor Accident Claims Tribunal,
Baramati

Baramati
Date : 09/07/2026