

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR.

Present: Sri.Ravichandar C R, Motor Accidents Claims Tribunal.

Friday, the 28th day of November, 2025/7th Margashirsha 1947 SE.

O.P.(MV) No.638/2014

Petitioners:-

- 1 Sarjerao @ Sarjerao Aba Jagtap Aged 64, S/o Late Aaba, Jagtap House, Siddheshwar Temple, P.O Kodoli, Karad Taluk, Satara Dist. Maharashtra 415108 (Father of Late Sachin Sarjerao Jagtap)
- 2 Kamal @ Kamal Sarjerav Jagtap Aged 56, W/o Sarjerav Jagtap, Siddhanath Mandir Shejari, Kodoli, Karad, Satara, Maharashtra (Mother of Late Sachin Sarjerao Jagtap)
- 3 Swathi @ Swati Daliram Phuke, Aged 39, D/o Sarjerao 254, Near Siddhanath Temple, Bhavani Ward, Kodoli Taluk, Karad, VTC Kodoli P.O Kodoli (karad) Satara, Maharashtra (Sister of Late Sachin Sarjerao Jagtap)
- 4 Prathibha @ Pratibha Avinash Danga, Aged 34, D/o Sajerao, W/o Avinash Shankar Danga, at-/po tillarinagar ta chandgad, Gulab (NV) Tillarinagar, Chandgad, Kolhapur, Maharashtra(Sister of Late Sachin Sarjerao Jagtap) (P1 to P4 amended as per order in IA 1/23 dated 10/07/2023)
By Advs. N.B Sukumaran, Deepa Iyyani, V. Kurian Thomas and Geetha V.A.

Respondents:-

1. Femsheerkhan, S/o Ayoob Khankottaykkattusseril House, Adikkattukulangara, Palamel, Mavelikkara- 690504
2. Shineesh S, S/o Shereef H, Shineesh Bhavan, Palamel, Mavikkara, Alappuzha Dist. 690504
3. ICICI Lombard General Insurance Co. Ltd, No.28/293/6, 2nd floor, R.V Trade Centre, Patturaikkal, Thrissur- 680022

R1 & R2 : Exparte

R3 : By Adv. C.R Thomas.

This O.P is having been finally heard on 04.11.2025 and the Tribunal passed the following:

AWARD

The above petition has been filed by the petitioners u/s.166 and 140 of the M.V. Act claiming compensation on account of the death of Sachin Sarjerao Jagtap in a motor vehicle accident.

2. The case of the petitioners in short is as follows:- The petitioners are the parents and siblings of the deceased Sachin Sarjerao Jagtap, who are his legal representatives. On 02.08.2013 at about 9.00 a.m, while deceased Sachin Sarjerao Jagtap was riding on a Motor Cycle bearing Reg.No.KL 08 AT 9764 through Cherpu – Triprayar public road and when he reached at Herbert Canal, a Car bearing Reg.No.KL 31 D 8789 driven by the 2nd respondent in a rash and negligent manner and hit on the motor cycle. As a result of the accident the

Sachin Sarjerao Jagtap sustained serious injuries and immediately he was taken to Hospital and he succumbed to the injuries. Respondent no.1 is the owner and 3rd respondent is the insurer of the Car. Hence all the respondents are liable to compensate the petitioners. The petitioners have claimed a total compensation of ₹.33,76,000/- .

3. Respondent no.1 and 2 remained absent and were set ex parte.

4. Respondent No.3 filed written statement admitting that the Car bearing Reg.No.KL 31 D 8789 was insured with this respondent and the policy was valid at the time of the accident. However, the 3rd respondent has disputed the age, occupation and monthly income of the deceased. The petitioners No.1, 3 and 4 are not the dependents of the deceased. It is also contended that the amount of compensation claimed under various heads are excessive and exorbitant. It is also contended that the accident occurred not due to the rash and negligence of the 2nd respondent and hence the 3rd respondent is not liable to pay compensation and hence the petition is liable to be dismissed.

5. On the basis of the above pleadings and documents produced, the following issues were framed for trial:-

- 1) Whether the accident occurred due to negligent driving of the 2nd respondent ?
- 2) Whether the death of Sachin Sarjerao Jagtap occurred as a result of the injuries sustained in the above

accident ?

- 3) Whether the petitioners are entitled to get any compensation as prayed for, if so, what is the quantum there of ?
- 4) Who is liable to pay the compensation?
- 5) Reliefs and costs?

6. Exts.A1 to A11 were marked on the side of the petitioners. Ext.B1 was marked from the side of 3rd respondent. No oral evidence has been adduced by either side.

7. Both sides were heard.

8. **Issue no.1 :** To establish the occurrence of the accident and negligence, the petitioner relies on Exts.A1 and A4. Ext.A1 is a copy of the FIR, while Ext.A4 is a copy of the Final Report. These records establish that the Police registered a case regarding the incident as Crime No.941/2013 of Cherpu Police Station and filed a final charge sheet in this case, implicating the 2nd respondent under Sections 279 and 304(A) of the IPC for rash and negligent driving, thereby causing the accident. No rebuttal evidence has been adduced by the respondents to challenge the final charge sheet. The Hon'ble High Court of Kerala, in the decision reported in **New India Assurance Company vs. Pazhaniammal [2011 (3) KLT 648]**, held that the production of the charge sheet is prima facie sufficient evidence of negligence for the purpose

of a claim under Section 166 of the MV Act. In light of Exts.A1 and A4, I find that the 2nd respondent is responsible for the accident due to his rash and negligent driving. Issue No. 1 is answered in favour of the petitioners.

9. **Issue no.2 :** The case of the petitioners is that Sri. Sachin Sarjerao Jagtap died as a result of the injuries sustained by him in the accident. Ext.A5 is the copy of the postmortem certificate which would show that Sri. Sachin Sarjerao Jagtap died due to the injuries sustained to chest and abdomen by him in the accident. Exts.A1 FIR, A4 final report and A5 postmortem certificate is sufficient to prove that deceased died due to the road accident in this case. Accordingly, I find that the deceased died due to the injuries sustained to him in the accident. Issue No.2 is answered accordingly.

10. **Issue no.3 :** The petitioners are the parents and siblings of the deceased. They have filed this petition for compensation in their capacity of the legal representatives. In order to prove the same the petitioners have produced Ext.A9, family membership certificate issued by the Thasildar, Karad. As per Ext.A9 the petitioners No.1 and 2 are the parents and 3rd and 4th petitioners are the siblings of the deceased. The petitioners being the legal representatives of the deceased are entitled to claim compensation on account of the death of the deceased.

11. In **Sarala Varma v. Delhi Transport Corporation [2010 (2) KLT 802]**, the Hon'ble Supreme Court has laid down the basic facts to be established

by the claimants for assessing compensation in case of death such as (1) age of the deceased (2) income of the deceased (3) number of dependents. As per Ext.A6 driving licence of the deceased his date of birth is 21/07/1986. The date of accident is 02/08/2013. Hence the age of the deceased at the time of accident is 27 years. So the multiplier to be applied as per the decision in **Sarala Varma's case** referred to above is 17. The deceased Sachin Sarjerao Jagtap claims to be a Gold worker having monthly income of Rs.20,000/-. They have produced Ext.A7 salary certificate would show that he was working as a Jewellery worker having monthly income of Rs.20,000/-. But he has not proved the contents in Ext.A7 by the examination of the person who issued the same and no supporting documents also produced to prove his income. So the said document cannot be relied upon to fix his income. So, relying on the decision of the Hon'ble Apex Court in **Ramachandrappa v. Manager, Royal Sundaram Alliance Insurance Company Limited (2011 3 SCC 236), and relying on the decision of Hon'ble High Court of Kerala in Soman vs. Jinesh James and Others, (ILR 2020(3) Kerala 1003),** and considering the date of the accident, i.e., 02/08/2013, the notional income of the petitioner is taken as ₹9,000/- per month.

12. In order to ascertain the future prospects of the deceased the dictum laid down by the Hon'ble Apex Court in **National Insurance Company Ltd. v. Pranay Sethy (2017(4) KLT 662)** is to be followed. If the deceased was a self employer below the age of 39 years 40% of the income should be added

towards future prospects of the income. As the deceased was 27 years of the age at the time of the accident his income should be calculated by adding 40% to the annual income as such the total annual income would come to ₹.1,51,200/- $[(9,000+3,600) \times 12]$.

13. The next aspect to be considered is as to the deduction towards personal and living expense of the deceased. Petitioners are the parents and siblings of the deceased. Therefore, following decision in **Sarala Varma's case** referred to above, $\frac{1}{2}$ portion of the income of the deceased has to be deducted towards the personal and living expenses of the deceased. After making the said deduction, the annual income will come to ₹.75,600/-. When the said amount is multiplied with the multiplier of 17, the amount will come to ₹12,85,200/- $[75,600 \times 17]$. That is the amount of compensation due to the petitioners on account of loss of dependency.

14. As per the decision of the Hon'ble Supreme Court in **National Insurance Company Ltd. v. Pranay Sethi** referred to above and in **Magma General Insurance Company Ltd. v. Nanu Ram (2018 (18) S.C.C. 130)**, loss of consortium is to be calculated as ₹40,000/- each of the petitioners with increase of 10% of every 3 years from 2020 as such the petitioners No.1 and 2 are entitled to get ₹48,000/- towards loss of consortium. The petitioners are also entitled for compensation of Rs.18,000/- on account of loss of estate and ₹ 18,000/- towards funeral expenses.

15. It is seen that the accident occurred on 02.08.2013 and the deceased succumbed to the injuries. In **Jiny v. Raphel (ILR 2016(2) Kerala 54)**, the Hon'ble High Court of Kerala has held that in cases of instantaneous death also, there is no compensation towards pain and sufferings to be awarded with range of ₹5,000 – ₹ 15,000/-. Considering the fact of the case, I am inclined to award ₹.15,000/- towards compensation for pain and sufferings that would have been undergone by the deceased.

16. The petitioners have produced Ext.A10 ambulance bill for ₹.50,000/-. It is seen that the deceased belongs to the state at Maharashtra his dead body was taken from Thrissur to Maharashtra in ambulance. Ext.A10 is the receipt of ambulance issued by the Chamber of Commerce, Vyapara Bhavan, Kunnampulam. Hence I am of the opinion that the transport expenses claimed to the petitioner is reasonable. An amount of ₹.50,000/- is awarded towards expenses for transport to hospital and ₹.1,000/- is awarded towards compensation for damage to clothing. The rest of the claims are disallowed due to lack of evidence.

17. The compensation due to the petitioners is shown below in the tabular form:-

SUMMARY OF CLAIMS RAISED AND ALLOWED

Sl.No.	Head of Claim	Amount claimed	Amount awarded	Basic vital details in a nut

				shell
1	Transport to hospital	50,000	50,000	Ext.A10 ambulan ce bill
2	Damages to clothing and articles	1,000	1,000	
3	Funeral expenses	75,000	18,000	
4	Compensation for pain and sufferings	20,000	15,000	
5	Compensation for loss of estate	1,00,000	18,000	
6	Compensation for loss of consortium	...	96,000	48000*2
7	Compensation for loss of dependency	28,00,000	12,85,200	[75,600x 17]
8	Compensation for loss of love and affection	3,00,000	...	
9	Compensation for shortened expectation of life	30,000	...	
	Total Limited to	33,76,000	14,83,200	

18. Considering the relationship of the petitioners with the deceased, it is ordered that out of the compensation amount, petitioners No. 1 and 2 will be entitled to get 40% each of the compensation and the 3rd and 4th petitioner will be entitled to get 10% each of the compensation. Issue answered accordingly.

19. **Issue No.4:-** Since the accident and subsequent death of the deceased occurred due to the negligence on part of the 2nd respondent. The 1st respondent, being the owner of the offending Car is primarily liable to pay compensation to the petitioners. Respondent No.3, the insurer of the offending car. The policy is admitted, Ext.B1 is the copy of the policy. Hence there is no violation of policy conditions. Hence, as the insurer, the 3rd respondent is liable to indemnify the 1st respondent and to pay the compensation to the petitioners. Issue answered accordingly.

20. **Issue No.5:** With regard to the rate of interest what is to be granted in favour of the petitioners is reasonable interest on the basis of the prevailing rate of interest. It is submitted by the learned counsel for respondent that the present rate of interest given by the Nationalized banks for fixed deposit for one year may be given to the petitioners towards interest. Reckoning the above aspects and the circumstances of the case, I am of the considered view that the rate of interest can be reasonably fixed at 7.5%. Therefore, the petitioners are entitled to get compensation of **₹.14,83,200/- (Rupees Fourteen lakhs eighty three thousand two hundred only)** along with reasonable interest @ 7.5% per annum from the date of filing of this application i.e., 16.04.2014 till realization. With regard to costs, no circumstance has been brought out to depart from the normal rule that costs shall follow the event. Therefore, I hold that the petitioners are entitled to recover proportional costs of the proceedings from respondent. Issue no.5 is answered in favour of the petitioners.

In the result, the petition is partly allowed in part as follows

- a) This application is allowed and a compensation of **₹.14,83,200/- (Rupees Fourteen lakhs eighty three thousand two hundred only)** is awarded in favour of the petitioners along with 7.5% interest per annum, from the date of filing this application, ie., 16.04.2014 till payment, and proportionate costs, in the ratio of 40:40:10:10;
- b) The 3rd respondent shall produce account payee cheque for ₹.33,128/- in favour of MACT, Thrissur towards balance court fee.
- c) The 3rd respondent is directed to deposit the balance amount with interest and proportionate costs, separately for petitioners in the above ratio, directly to the bank account of the petitioners, the details of which is specifically mentioned below through NEFT or RTGS or any other approved electronic mode.
- d) Upon deposit being made, the 3rd respondent shall submit to this Motor Accidents Claims Tribunal, a copy of the bank payment advice and a memo in the prescribed format and a copy of the payment advice along with the memo shall be served on the contesting parties and their respective counsels in compliance with the Circular No.1/2025 dated 19/09/2025 of the Hon'ble High Court of Kerala.
- e) The 3rd respondent shall provide Form – 16 A under the Income Tax Act, 1961 to the petitioners.
- f) The office shall make necessary entries in the registers of the Tribunal evidencing the payment of the amount to the petitioners.

Bank Account details of the petitioners :-

1st Petitioner: Sarjerao @ Sarjerao Abe Jagtap

Bank Account Number	146512301203992
Name of Bank and Branch	Kerala State Co-operative Bank, Ayyanthole
IFS Code	KSBK0001465

2nd Petitioner: Kamal @ Kamal Sarjerav Jagtap

Bank Account Number	146512301204113
Name of Bank and Branch	Kerala State Co-operative Bank, Ayyanthole
IFS Code	KSBK0001465

3rd Petitioner: Swathi @ Swati Dajiram Phuke

Bank Account Number	146512301204104
Name of Bank and Branch	Kerala State Co-operative Bank, Ayyanthole
IFS Code	KSBK0001465

4th Petitioner: Prathibha @ Pratibha Avinash Dange

Bank Account Number	146512301203789
Name of Bank and Branch	Kerala State Co-operative Bank, Ayyanthole
IFS Code	KSBK0001465

(Dictated to the Confidential Assistant, transcribed and prepared by her, in computer, corrected and pronounced by me in open court on this the 28th day of November, 2025.)

Sd/-

Ravichandar C R
Motor Accidents Claims Tribunal, Thrissur

APPENDIX:**Petitioners' Exhibits :**

- A1 Copy of FIR in Cr.No.941/2013 of Cherpu P S
- A2 Copy of Scene Mahazar
- A3 Copy of AMVI Report
- A4 Copy of Final Report
- A5 Copy of Postmortem Report
- A6 Driving Licence
- A7 Copy of Salary Certificate
- A8 Copy of Death Certificate
- A9 Legal Heirship Certificate
- A10 Ambulance Receipt
- A11 Certificate from Cherpu Police Station

Petitioner's Witness: - Nil**Witness Exhibit :-** Nil**Respondent's Exhibits :**

- B1 Copy of Policy

Respondent's Witness : Nil**Court Exhibit :** Nil

Sd/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL.

Memo of Costs

SL. No	Particulars	Amount	
		Rs.	Ps.
1	Court Fee	33133	
2	KLBF	-	
3	Stamp on vakkalath	5	
4	Stamp on document	10	

5	Stamp on petition	10	
6	Process Fee	90	
7	Writing charges	100	
8	Advocate Fee (Senior)	171200	
9	Advocate Fee (Junior)	85600	
	Total	2,90,148	

$$\begin{aligned}
 \text{Proportionate Cost} &= \frac{\text{Award amount} \times \text{Cost}}{\text{Claim amount}} \\
 &= \frac{1483200 \times 290148}{3376000} \\
 &= 1,27,472/-
 \end{aligned}$$

Sd/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL.

Id/-

Sd/-

Shr

MACT

//True copy//

By Order

Sheristadar

copied by: ntr
compared by: vvj

Award in O.P.(M.V)638/2014

Dated: 28.11.2025
