

MHAH010034352020



Presented on : 25/08/2020.

Registered on : 14/09/2020.

Decided on : 14/08/2026.

Duration : Ys M Ds
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IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT
AHMEDNAGAR, DIST-AHMEDNAGAR.
(Before Shri. M.A. Shinde, Member)

MOTOR ACCIDENT CLAIM PETITION NO. 220/2020.
Exh.No. / A.

1. **Tarabai Gorakshnath Patare – Deleted.**

2. **Sujit Gorakshnath Patare,**
Age - 31 years, Occ. - Private Job,

3. **Vishal Gorakshnath Patare,**
Age – 29 years, Occ – Photography,
All r/o. Khalwadi No.01, Station road,
Rahuri, Tal. Rahuri,
Dist. Ahmednagar.

.. **Claimants.**

Versus

1. **The Divisional Controller,**
Maharashtra State Regional Transport
Corporation
Address – MSRTC Office,
Sarjepura, Ahmednagar-414001.

2. **Santosh Uttam Patil,**
Age – 36 years, Occ – Driver,
A/p. Vani Budruk,
Tal. And Dist., Dhule – 424 318.

.. **Opponents.**

*Petition u/sec.166 of the Motor Vehicles
Act for grant of just compensation*

<i>Appearance :-</i>	
Shri. M.S. Zarekar	Learned Advocate for the claimants.
Shri.F.B. Shaikh	Learned Adv. for opponent No.1 & 2.

J U D G M E N T
(Delivered on 14th August, 2026.)

1. The claimants have filed this claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “M.V. Act” for short) claiming compensation on account of death of Gorakshnath Yadav Patare in a motor accident.

2. The case of the claimants that, on 02.03.2020 deceased Gorakshnath was proceeding towards Rahuri City by motorcycle bearing its registration No. MH-17A-6293 ("the motorcycle" for short) on Manmad Ahmednagar road. At about 8.45 p.m. he reached near Hotel Ashwini in front of Swaraj Tractor showroom. At the same time, a S.T. Bus bearing its registration No. MH-13-CU-8591 ("the bus" for short) was coming towards Ahmednagar side. The driver of the bus Santosh Uttam Patil i.e. opponent No.2 was driving the bus in a rash and negligent manner without following traffic rules and gave forceful dash to the rear side of the motorcycle. As a result, the accident took place. The deceased fell down on the road and suffered serious head injuries. He was immediately taken to Dr. Girgune Hospital, Rahuri for first-aid treatment. But due to serious injuries, he was shifted to Maxcare hospital, Ahmednagar for better treatment. Unfortunately, he died during the treatment in the hospital.

3. The police have registered crime against opponent No.2 vide its Cr. No. 159/2020 for the offence punishable under sections 304-A, 279,

427, 337, 338 of the Indian Penal Code, 1860 ("IPC" for short) along with sections 184, 134B and 187 of M.V. Act.

4. The claimant No.1 is the wife and claimant No.2 and 3 are sons of the deceased. During the pendency of the present proceeding the claimant No.1 died and therefore, the claim is proceeded on behalf of the claimant No.2 and 3 against the opponents.

5. It is submitted that, the deceased was doing service of Manager of Petrol Pump by name S.B. Dhasal Petroleum at Nagar Manmad road, Rahuri, Ahmednagar. He was getting monthly salary of Rs. 20,000/-. The claimants are depending on the income of the deceased and therefore, they claimed just compensation of Rs. 21,06,000/-. Hence, the claim.

6. The opponent Nos.1 and 2 appeared in the case and filed their written statement at Exh.12. They have denied the age, income and liability to pay the compensation in the matter. It is specifically denied that the driver of the S.T. Bus was in any way responsible for the accident. It is specifically submitted that the accident took place due to the sole negligence on the part of the deceased himself. Therefore, prayed to dismiss the claim with costs.

7. The issues are framed at Exh.19. I recorded my findings thereon for the reasons stated as under:-

ISSUES		FINDINGS
1]	Is it proved that, on 02.03.2020 at about 8.45 p.m. on Manmad – Nagar Highway road, in front of Swaraj Tractor Show room, near Ashwini Hotel, Tal. Rahuri, Dist. Ahmednagar, the accident took place, due to rash and negligent driving by	In the affirmative.

	opponent No.2 of MSRTC Bus No. MH-13-CU-8591 ?	
2]	Is it proved that Gorakshnath Yadav Pathare died due to the alleged accident ?	In the affirmative.
3]	Are the claimants entitle for the compensation ? If yes, what should be the quantum and from whom ?	In the affirmative. As per final order.
4]	What award ?	..Petition is partly allowed.

REASONS

8. In order to substantiate the claim, claimant Vishal Gorakshnath Patare filed his affidavit of examination-in-chief (Exh.20) and deposed in terms of the averments made in the claim petition. So also, claimants have examined Sopan Balkrushna Dhasal (CW2) at Exh.34 and also examined Babasaheb Bhausahab Argade (CW3) at Exh.37. Besides this, claimants have produced on record following documents -

<u>Sr. No.</u>	<u>Particulars</u>	<u>Exhibits</u>
1.	F.I.R.	23
2.	Complaint.	24
3.	Spot panchanama.	25
4.	Intimation of Maxcare hospital.	26
5.	Inquest panchanama.	27
6.	Police report sent to Civil Surgeon for PM	28
7.	Postmortem Report.	29
8.	Badge number of Bus No. MH-13-CU-8591.	30

9. The claimants have closed their evidence by filing evidence close pursis at Exh. 40.

10. The opponent No.1 and 2 examined driver Santosh Uttam Patil as (OW1) at Exh.41 and closed their evidence by filing evidence close pursis at Exh. 42.

As to Issue No.1 and 2 :-

11. Vishal (CW1) deposed at Exh.20 and reproduced the contentions raised in the claim petition and blamed opponent No.2 for the accident. He has produced police papers including F.I.R.(Exh.23) lodged by him. The spot panchanama (Exh. 25), inquest panchanama (Exh.27), postmortem report (Exh.29). He has also examined the eye witness Babasaheb (CW3) at Exh.37, who has supported the claimants on the point of negligence on the part of opponent No.2.

12. It is tried to bring in the cross-examination of Vishal (CW1) that, Nagar – Manmad road has heavy traffic on it. It is a State Highway. He has not witnessed the accident. It is also tried to bring on record in the cross-examination of Babasaheb (CW3) that he was knowing the deceased prior to the accident. They both are the residents of Rahuri. The accident took place on 02.03.2020 at about 8.00 p.m. to 9.00 p.m. It is also argued on behalf of the opponents that the accident took place on 02.03.2020 and FIR is lodged on 06.03.2020 and the delay in lodging the FIR is not properly explained.

13. On perusal of the evidence, particularly the evidence of opponent No.2, who has deposed at Exh.41 and submitted that, at the relevant time and place, the accident took place. He blamed the deceased for the accident as he all of sudden came on the highway. Thus, so far as involvement of the bus is concerned, it is admitted fact to the opponents but they have denied the negligence and liability in respect of the accident.

14. On perusal of police papers, it appears that, the FIR is registered by the police of Rahuri police station against opponent No.2. The spot panchanama placed on record discloses the position of scene of occurrence. It is also matter of record that, the police have filed charge-sheet against the opponent No.2. This opponent No.2 in his cross-examination admitted that, he has not filed any complaint against the police who have falsely implicated him in the present case to the superior officers of the Police Officer, who registered the crime and filed charge-sheet in the Court.

15. Moreso, the eye witnesses to the accident, i.e. Babasaheb (CW2) has given detail account of the accident which has support from the police papers. Thus, there is ample evidence on record against opponent No.2, who has given dash to the motorcycle from its back side and caused accident.

16. Therefore, on the touchstone of preponderance of probability, the negligence on the part of opponent No.2 is established by the claimant. As per the medical papers, the death of the deceased took place in the vehicular accident. Therefore, I hold that on 02.03.2020 at about 8.45 p.m. on Nagar – Manmad highway, the accident took place due to rash and negligent driving of opponent No.2 by driving the S.T. bus and deceased Gorakshnath Yadav Patare died on the said accident. Thus, I answer issue No.1 and 2 in the affirmative.

As to issue No. 3 and 4 -

17. On the point of income, the claimants have examined Sopan (CW2) at Exh. 34. This witness has deposed that, he runs a HPCL Petrol pump on Nagar – Manmad highway at Rahuri since 10 years. The

deceased was working with him till his death as a Manager on the said petrol pump and was getting salary of Rs. 14,000/- in cash. He has produced necessary documents pertaining to the said petrol pump including the dealership agreement, monthly muster book on record.

18. In his cross-examination, it is tried to bring on record that, the dealership is in the name of his wife. The deceased was appointed as a Manager on 01.08.2014. There is no appointment letter and application by the deceased to show that he was employed with him on the petrol pump as a Manager. There is no reference of shifts. Thus, it is argued that, the evidence of this witness is not trustworthy on the point of income of the deceased but considering the documentary evidence, coupled with the testimony of this witness, which inspires confidence.

19. Though the petrol pump is in the name of wife of the witness but on this point only the testimony of this witness cannot be discarded. Therefore, considering the fact that the present accident claim proceeding is a social legislation, no strict criteria of proof is required. Therefore, the evidence of this evidence is required to be accepted on the touchstone of preponderance of probability. Therefore, I hold that the claimants have proved the income of the deceased as Rs. 14,000/- per month, which can be taken as basis to calculate the just compensation in the present claim petition.

20. As per copy of pan card, the date of birth of the deceased is reflected as 16.03.1967 and the accident took place on 02.03.2020. Therefore, the age of the deceased at the time of accident was 52 years. Therefore, the multiplier of 11 would be applicable. The claimants who are two legal representatives of the deceased depending upon the income of the

deceased, therefore, 1/3rd of the amount / income of the deceased is required to be deducted towards personal expenses. The deceased was 52 years old and it was not permanent job for him, therefore, future prospects of 10% is required to be considered.

21. So far as consortium is concerned, in view *Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram and others, Civil Appeal No. 9581 of 2018 (arising out of SLP (Civil) No. 3192 of 2018)*, as the claimants are major and married sons of the deceased, therefore, they are not entitled for consortium.

22. As such, the quantum of compensation amount payable to the petitioners is calculated as per ratio laid down by the Hon'ble Supreme Court in *Sarla Verma And others Vs. Delhi Transport Corporation and Anr., [2009 (5) Mh.L.J. (SC) 775]* and *National Insurance Company Ltd. Vs. Pranay Sethi [2018 (3) Mh.L.J. (SC) 70]*, as under :-

Sr. No.	Heads	Calculations
(1)	Monthly income Rs. 14,000 x 12	1,68,000/-
(2)	1/3rd amount deducted as per personal expenses (1,68,000 – 56,000 = 1,12,000)	1,12,000/-
(3)	10% future prospects 1,12,000- x 10% = 11,200 = 1,12,000 + 11,200 = 1,23,200	1,23,200/-
(4)	Loss of Dependency after considering multiplier of 11 (age of deceased is 52 years) Rs. 1,23,200 x 11.	13,55,200/-
(5)	Loss of Estate, including 10% enhancement.	16,500/-
(6)	Funeral expenses, including 10% enhancement.	16,500/-
(7)	Total compensation awarded.	13,88,200/-

Thus, the claimants are entitled for just compensation of Rs. 13,88,200/-. The opponent No.1 being owner is liable to pay compensation. Thus, I answer issue No.3 in the affirmative. Accordingly, I pass the following order -

ORDER

- 1] Petition is partly allowed with proportionate costs.
- 2] The opponent No.1 to pay compensation of **Rs. 13,88,200/- (Rupees Thirteen Lakhs Eighty Eight Thousand Two Hundred only)** to the claimants inclusive of N.F.L. amount along with interest @ 9 % per annum from the date of this petition till realization of entire awarded amount.
- 3] On realization of compensation amount –
 - (i) An amount of **Rs. 3,47,000/- (Rupees Three Lakhs Forty Seven Thousand Only)** each be kept in Fixed Deposit in the name of claimant No.1 and 2 for the period of 3 (three) years in any Nationalized Bank.
 - (ii) An amount of **Rs.3,47,100/- (Rupees Three Lakhs Forty Seven Thousand, One Hundred Only)** each be deposited in the name of claimant No.1 and 2 in any Nationalized Bank by RTGS or NEFT.
 - (iii) The claimants are at liberty to withdraw the amount of interest accrued on the both fixed deposit amounts quarterly, if they desires.
- 4] Opponent No.1 shall pay the amount either through **RTGS** or **NEFT** in the bank account maintained by the Tribunal. The details of the bank account are as under:-

Account Name	:	District Judge-1 and Member, M.A.C.T. Ahmednagar.
Account Number	:	42919289225
Bank Name & Branch	:	State Bank of India,

		Main Branch, Ahmednagar.
IFSC Code	:	SBIIN0000303
	:	'0' indicates Zero.
C.I.F. Number		80904863498

- 5] The claimants shall produce their Savings bank account details of any Nationalized bank along with either a certificate of the banker giving all details of their bank account including IFSC Code, or a copy of a cancelled cheque of the bank account.
- 6] The claimants are directed to pay deficit Court Fee, if any.
- 7] The copy of award be sent to Opponent No.1 by e-mail. After depositing the compensation amount into the above mentioned bank account, Opponent No.1 shall inform the Tribunal by sending E-mail accordingly.
- 8] Award be drawn accordingly.

Date : 14/08/2026.

(M.A. Shinde)
Member, MACT,
Ahmednagar.