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**IN THE COURT OF EX-OFFICIO MEMBER, MOTOR
ACCIDENT CLAIMS TRIBUNAL, LATUR**
(Presided over by R.B.Bhagwat, DJ-2 & ASJ, Latur)

M.A.C.P.No.293/2024

Exh.No.41.

1. Sita w/o. Achyutrao Salunke,
Age :- 42 years, Occu. :- H.H.,
2. Mahadu s/o. Achit Salunke,
Age :- 15 years, Occu. :- Education,
3. Kiran s/o. Achit Salunke,
Age :- 14 years, Occu. :- Education,
Claimant 2 and 3 are minor and they
are U/g. Of their real mother i.e. claimant
No.1.
Sita w/o. Achyutrao Salunke,
Age :- 42 years, Occu. :- H.H.,
4. Mangalbai w/o. Laxman Salunke,
Age :- 65 years, Occu. :- H.H.,
All R/o. Budhoda,
Tq. AUSA Dist. Latur.

.... **Claimant**

Versus

1. Vishwanath s/o. Vaknath Pol,
Age :-Major, Occu.:- Driver,
R/o. Shamgaon, Tq. Karad Dist. Satara
(Driver cum owner of Mahindra Jeep
bearing Reg. No.MH-42 AH-1052)

2. The Manager,
Zurich Kotak General Ins. Co. Ltd.
201-204, 301, Chintamani Classique,
Vishweshwar Nagar, Off. Aarey Road,
Mumbai-400063,
(Insurer of Mahindra Jeep bearing
Reg. No.MH-42 AH-1052).

.... Respondents

Claim :- For compensation under section 166 of the Motor Vehicles Act, 1988.

Advocate for Claimant :- Advocate Shri. S.K. Patel
Advocate for respondent no.1 :- Advocate Shri. J.S. Patil
Advocate for respondent no.2 :- Advocate Shri.S.G. Diwan.

JUDGMENT

(Delivered on this 29th day of July, 2026)

1. According to claimants, claimant no.1 is the wife, claimant no.2 & 3 are the sons and claimant no.4 is the mother of deceased Achit s/o. Laxman Salunke, who died in the motor vehicle accident dated 18.10.2024.

2. According to claimants on 18.10.2024, at about 6.00 a.m. the deceased Achit Salunke was returning to his house via Latur-Ausa road at Budhoda village at about 6.00 to 6.15 a.m. after answering nature call. He was standing on Latur-Ausa road on western side. At that time one Mahindra Jeep bearing registration No. MH-42 AH-1052 driven by respondent No.1 and insured with respondent no.2 came from Latur-Ausa road in rash and negligent manner and in excessive speed. The driver of said Mahindra Jeep lost his control over it and gave dash to deceased Achit. In the said accident the deceased sustained grievous

injuries because of which he died.

3. Further, according to claimants, on the police report given by the nephew Ashruba s/o. Raosaheb Salunke of deceased with AUSA Police Station, offences came to be registered against driver of offending jeep u/Sec. 106 (1), 281, 125 (a), 125 (b) of B.N.S. vide crime No.419/2024 by the said Police Station. Police carried out investigation and filed charge-sheet against driver-cum-owner of Mahindra Jeep i.e. respondent No.1.

4. According to claimants, at the time of accident deceased was 45 years old. He used to undertake seasonal sugarcane cutting work from which he was earning Rs.2,00,000/- per season. In remaining days of the year he used to do labour work and earn Rs.15,000/- p.m. He was the only earning member of the family. Because of his sudden death they have suffered enormous losses, both pecuniary and non-pecuniary which cannot be accessed in terms of money. Hence, they are claiming compensation of Rs.52,12,584/- along with simple interest @ 12% per annum on the said amount. However, because of economic crises and inability to pay court fee, they have restricted their claim to Rs.1,00,000/-.

5. The respondent No.1 appeared in the petition after service of notice. He filed his Written Statement vide Exh.17. He admitted the death of deceased in the accident dated 18.10.2024. He also admitted the registration of Cr. No.419/2024 with AUSA Police Station pertaining to the accident. He also admitted his ownership over the Mahindra Jeep bearing registration No. MH-

42 AH-1052 and that it was duly insured with respondent No.2 on the date of accident. He did not dispute the relationship between claimants and the deceased. Remaining averments in the claim petition have been denied. According to respondent no.1 the accident did not take because of his fault. An unknown jeep gave dash to the deceased at the time of accident. His jeep was passing by the road at the time of accident and so it came to be implicated in the accident. Further that, the occupation and income of the deceased pleaded in the claim petition is false. The claim amount is exaggerated. If at all it is held that, his vehicle is involved in the accident, he be absolved from paying compensation amount to the claimants as his jeep was insured with respondent No.2 and the respondent No.2 be saddled with the responsibility to compensate the claimants. Hence, he prayed for dismissal of the claim against him.

6. The respondent No.2 appeared in present petition through its Advocate. He filed Written Statement vide Exh.23. In his written-statement it is admitted that respondent No.1 is the owner / driver of the Mahindra Jeep bearing registration No. MH-42 AH-1052. The insurance policy of the said vehicle is not disputed. The death of the deceased in vehicular accident is not disputed. Also the registration of Crime No.419/2024 with AUSA Police Station is not disputed. Also the relationship of claimants with deceased is not disputed. Remaining averments in the petition have been denied.

7. According to respondent No.2 the respondent No.1

i.e. driver-cum owner of Mahindra Jeep bearing registration No. MH-42 AH-1052 is not responsible for the accident. There was no negligence or rashness on his part in the accident. The said jeep was not involved in the accident. Further that respondent No.1 committed breach of the insurance policy. The occupation and income of deceased as mentioned in the claim petition is not correct. The claim is exorbitant. Hence, it is prayed that respondent No.2 be absolved from paying compensation and the claim petition be dismissed against it.

8. On the basis of rival pleadings of both the sides, my learned predecessor framed issues on 02.01.2026. Following are those issues which arise for my determination; I have recorded my findings to each of them for the reasons that follow :-

Issues	Findings
(i) Do claimants prove that due to rash and negligent act of respondent 1 driver of Mahindra Jeep bearing registration No. MH-42 AH-1052 accident occurred on 18.10.2024 at about 6.00 a.m. in front of Salunke puncture and washing center Budhoda on Latur AUSA road and, as a consequence thereof, Achit Laxman Salunke died?	Affirmative.
(ii) What was age, occupation and income of the deceased?	Age 45 years. Occupation not proved. Notional income fixed as per Minimum Wages.
(iii) Does respondent 2 prove that, respondent 1, ...	Negative.

driver while driving vehicle was not holding valid and effective driving licence, at the time of accident and committed breach of terms and conditions of insurance policy?

- (iv) Are the claimants entitled for ... Yes.
compensation ? If yes, what amount? As per final order.
- (v) What order ? ... Claim Petition is allowed.

REASONS

As to Issue no.1 :-

9. The claimant no.1 Sita stepped into the witness box. She examined herself at Exh.24. She did not examine any other witness. In support of her oral evidence that deceased Achit Salunke died as a result of vehicular accident dated 18/10/2024 because of rashness and negligence of driver of offending Mahindra Jeep, she filed on record police report given by Ashruba Salunke (Exh.27), true copy of FIR (Exh.28), true copy of spot panchnama (Exh.29), true copy of inquest panchanama (Exh.30), true copy of postmortem report of deceased (Exh.31) and true copy of charge-sheet (Exh.35). The above said documents are not in dispute. From the said documents, it can be safely held that in a Motor vehicular accident dated 18/10/2024 the deceased Achit Salunke died.

10. According to the claimant no.1 Sita, at the time of accident the deceased Achit Salunke was standing in front of Salunke puncture and washing center, Budhoda, by the side of Latur AUSA road. At that time the offending Mahindra Jeep,

which was driven in rash and negligent manner gave dash to him resulting in grievous injuries causing his death. This evidence of witness Sita is based on the police papers and not on her personal knowledge. She is not eye witness to the accident. No eye witness to the accident has been examined in this petition. Hence, the police papers as mentioned in para No.9 (supra) will have to be relied as the same are undisputed. In the spot panchnama (Exh-29) the spot of accident is shown on the Western edge of the Latur AUSA road. The said document shows that, it is a broad road with a road divider in the center. The distance between the road divider and the spot of incident is shown to be 27 ft. It is undisputed that deceased was standing on the spot of incident when the accident occurred. If he was dashed while standing on spot of accident, no fault can be attributed to the deceased as the spot of incident appears to be very much on the left side i.e. the Western side of the road. There was ample space for the offending Mahindra Jeep to proceed ahead without harming the deceased as between the road divider and spot of incident, there was 27 ft vacant road available for the jeep. Despite this the accident occurred, which means that, the driver of the offending jeep was driving it rashly, negligently and without taking into consideration the situation on the road.

11. The alleged accident occurred at about 6.15 a.m. in the month of October. At that time there is sufficient day light to see everything clearly on the road. Hence, there was no reason for the driver of offending vehicle to give dash to a person

standing by the side of the road. There is no evidence that, the deceased suddenly came on the road because of which the accident occurred.

12. A jeep is a light motor vehicle. It is equipped with good brakes to stop it instantly. The drivers of any vehicle are under obligation to drive their vehicles safely and cautiously on public road. If the driver of offending vehicle would have driven the said vehicle safely and in control the accident would have been avoided or the impact of the accident would not be so serious. The impact of the accident so serious that the deceased died before reaching hospital. This shows that in high speed the deceased was dashed by the offending vehicle.

13. Charge-sheet came to be filed against respondent No.1 pertaining to the accident. The correctness of the said charge-sheet was never challenged by the respondent No.1 before any competent court. In absence of evidence to the contrary it can be safely held that, respondent No.1 was involved in the accident and that, the said jeep was driven rashly or negligently causing death of the deceased.

14. In view of reasons and evidence discussed in para No. 9 to 13 I answer issue No.1 in affirmative.

As to issue No.2

15. As per oral evidence of claimant No.1 Sita, the deceased was 45 years old on the date of accident. In support of this contention no documentary evidence has been filed by her on record. However, on perusal of her cross-examination it does not

appear that any doubt is created on the age of deceased as deposed by her. No evidence has been adduced by the respondent regarding the actual age of deceased. Hence, it can be safely held that on the date of accident the deceased was 45 years old.

16. It is a settled law that the claimants are required to adduce strict evidence about the occupation and income of deceased. However, the claimant No.1 has not filed any documentary evidence or adduced other credible evidence to prove the occupation and income of deceased. Her testimony that, the deceased was a seasonal sugarcane cutter from which he was earning Rs.2,00,000/- and for the remaining part of the year he used to work as labourer and earned Rs.15,000/- per month has been strongly disputed by the contesting respondent No.2. Hence, in absence of credible evidence about occupation and income of deceased, it can not be held that, the deceased had occupation and income as testified by claimant No.1. As per authority of Hon'ble Apex Court in case of **Hiteshbhai Patel Vs, Bababhai [Civil Appeal No.10278 of 2025 (Arising out of SLP No.(c) No.14444/2025)]** it has been held that, where income of deceased is not be proved in motor vehicle petition, notional income as per Minimum Wages Act in the respective state at the relevant point of time should be considered. Hence, as per the ratio of the said authority the minimum wages of labourer in the state of Maharashtra in the year 2024 will have to be taken into consideration to fix notional income of deceased.

17. The advocate for claimants submitted that, as per the authority which is referred in para No.16 (Supra) notional income as per minimum wages of a skilled worker in the respective state need to be considered in this petition. However, on perusal of the said authority it appears that, the said ratio applies in case of child death i.e. a child below the age of 15 years. It does not apply to a deceased adult.

18. The claimants and deceased are residents of village Budhoda. In villages the occupation of people is generally agriculture or to work as an agricultural labour. Such work can be categorized as semi skilled work as some knowledge is required to perform said work. Hence, the income of deceased will have to be notionally fixed as per minimum wages of a semi skilled worker. As per Maharashtra State Government notification dated 02.09.2024 filed on record the minimum wages of skilled, semi skilled and unskilled are classified under two zones, i.e. Zone-I and Zone-II. Zone-I includes all Municipal Corporation areas and Zone-II includes the other areas not falling in Zone-I category. As there is no evidence that the deceased was living or working in Municipal Corporation limit, the Zone-II category would be applicable to him. For the said category the minimum wages for a semi skilled labourer in the year 2024 in the State of Maharashtra were Rs.13,185/- per month.

19. In view of the evidence and reasons discussed in para Nos.15 to 18 the findings to issue No.2 answered accordingly.

As to Issue No.3 :-

20. The burden was on the respondent No.2 to prove that respondent No.1 was not holding a valid driving licence to drive a jeep on the date of accident or that, he committed any other breach of the insurance contract. But to prove the same, the respondent No.2 has not adduced any evidence. Photo copy of the driving licence of respondent No.1 has been filed on record. On perusal of copy of the said licence it appears that, on the date of accident the respondent No.1 was holding a valid driving licence to drive light motor vehicle. For the above reasons issue No.3 is answered in negative.

As to Issue No.4 :

21. To claim compensation u/sec.166 of the Motor Vehicle Act, the petition can be filed by (a) by the person who has sustained the injury (b) by the owner of the property, (c) where death has resulted from the accident, by all or any of the legal representative of the deceased and (d) by any agent duly authorized by the person injured or all or any of the legal representatives of the deceased, as the case may be. In instant case, it is the contention of claimant no.1 that she is widow, Claimant no.2 and 3 are the sons, and claimant No.4 is mother of deceased Ahit Salunke, who died as a result of motor vehicle accident dated 18.10.2024 involving Mahindra Jeep bearing registration No. MH-42 AH-1052. The relationship of claimants with the deceased has not been disputed by the respondents. The testimony of claimant No.1 Sita that all the claimants were

dependent on the income of deceased went unshaken and unshattered. No evidence have been brought on record by the contesting respondent to prove the contrary. Hence, as per Sec. 166 (a) of the Motor Vehicle Act the claimants are entitled to file present application.

22. As per authority of Honourable Apex Court in the case of *National Insurance Company Ltd. Vs. Pranay Sethi and Others [SLP (Civil) No.25590 of 2014]* the claimants are entitled for compensation as per the parameter given in the said authority. It has been held that where the deceased was self-employed and between the age of 40 to 50 years at the time of his death, 25% of his income should be added towards future prospects. As per the authority of Honourable Apex Court in the case of *Hemraj Vs. Oriental Insurance Company Ltd. And Others reported in 2018 ACJ 5* it has been held that even if the claimants failed to establish the income of deceased and the income of deceased is fixed notionally, even then the future prospects of the deceased will have to be considered. In present case the deceased was 45 years of age on the date of accident. Hence, in view of the above authority 25% of the income of deceased needs to be added to his income towards future prospects.

23. In view of the evidence and reasons discussed in para Nos.15 to 22 and the ratio laid down by Hon'ble Apex Court in the case the authority as cited in para No.22 the total claim of claimants works as follows;

Heads	As per law
Monthly income	Rs.13,185/-
Yearly income	Rs.1,58,220/-
Future prospects (Age 45 years - 25 per cent)	Rs.1,58,220/-+39,555/- =1,97,775/-
Deduction 1/4th	Rs.1,48,331/- (25 percent deduction)
Multiplier (14)	Rs.1,48,331 x 14 = 20,76,634/-
Loss of consortium	48,400 X 4 = 1,93,600.
Funeral Expenses	Rs.18,150/-
Loss of estate.	Rs.18,150/-
Total	Rs.23,06,534/-

24. As per my findings to issue No.3 the respondent No.2 failed to prove breach of insurance policy. As per insurance policy (Exh-32), the respondent No.2 are under contractual liability to compensate the claimant. Also as per settled law the liability to compensate in case of motor accident claim petition is a joint and several liability of the owner of offending vehicle and that of the insurance company with which the offending vehicle is insured. Hence, the respondent Nos.1 & 2 are jointly and severally liable to compensate the claimants.

25. As per authority of Honourable Apex Court in the case of *Dharampal and Others Vs. U. P. State Road Corporation* reported in *AIR 2008 SC 2312* it has been held that

the rate of interest on the claim amount should be awarded as per the rate of interest given by Nationalized Banks on fixed deposits. Presently the fixed deposits rates given by Nationalized Banks are around 6%. In view of the said authority of Hon'ble Apex Court the claimants are entitled to simple interest @ 6% p.a. on the claim amount from the date of filing of petition till realization of the entire amount.

26. In view of the evidence and reasons discussed in para No.21 to 25, I answer my findings to issue no.4 accordingly.

As to Issue No.5 :-

27. In view of my findings to issue no.1 to 4, I hold that present petition deserves to be allowed with cost. Hence, the following order :-

: Order :

- (i) The petition is allowed with cost.
- (ii) The respondent Nos.1 & 2 do pay an amount of Rs.23,06,534/- (Rupees Twenty Three Lakh Six Thousand Five Hundred Thirty Four only) to the claimants. Their responsibility is joint and several. The said amount is inclusive of NFL amount, if any. The said claimants are entitled to receive the said amount along with simple interest @ 6% p.a. on the said amount from the date of filing petition till realization of the said amount.
- (iii) The said respondents are hereby directed to deposit the award amount in this Tribunal by cheque / D.D / NEFT / RTGS or any other mode of banking transaction.
- (iv) Out of the amount of award, the claimant Nos.1 to 3 be

given Rs.6,00,000/- (Rupees Six Lakh only) each and the remaining amount of Rs.5,06,534/- (Rupees Five Lakh Six Thousand Five Hundred Thirty Four only) be given Claimant No.4 along-with proportionate interest on the said amounts. The claimant Nos.1 & 4 are directed to keep an amount of Rs.2,00,000/- (Rupees Two Lakh only) each in Fixed Deposit with any Nationalized Bank for a period of three years. The claimant nos. 2 & 3 being minors, the entire amount receivable by them be kept in fixed deposit with any Nationalized Bank under the guardianship of claimant No.1 till they attained the age of majority.

- (v) Award be prepared after payment of deficit Court fee, if any.
- (vi) The claimants are directed to deposit deficit court fee within one month from the date of this order.

Date :-29.07.2026.

Sd/-
(R.B. Bhagwat)
Ex-Officio Member
Motor Accident Claim Tribunal.
Latur.