



**IN THE COURT OF HON'BLE MOTOR ACCIDENT CLAIM
TRIBUNAL AT AURANGABAD.**

M.A.C. P. No. 580 OF 2022.

CLAIMANT

Presented by Chet
Advocate

Date: 12/09/2022
S. K. Hivale
District Court, A'bad

Prabhu s/o Meharban Chavan

Prabhu s/o Meharban Chavan.

Age : 60 year Occ:- at preset Nil,
R/o - Ektuni - Tanda, Tq. Paithan.
Dist. Aurangabad

VERSUS

RESPONDENT: 1)

Akshay s/o Ramesh Chavan.

Age - 24 years, Occ - Driver,
R/o - Thapti Tanda, post Ektuni,
Dhule- Solapur Highway, Tq. Paithan,
District Aurangabad.
(Driver of Tanker Truck No. MH-20-EG-7200.)

2) Suraj s/o Ramkisan Ghule.

Age - 35 years, Occ - Bussiness,
R/o - Row House No.-34, Gat No-150,
Phase-3 of Guruprasad Nagar, at Beed by
Pass road, Balapur, Tq. and District
Aurangabad. Mobile -9822273375
(Owner of Tanker Truck No. MH-20-EG-7200.)

3) ICICI Lombard General Insurance Co.

Through Manager,
Office at Karnatka Bank, Behind SBI ATM
and Bank, Sawarkar Chowk to Kartiki Hotel
road, Samarth Nagar, Aurangabad.
(Insurer of Tanker Truck No. MH-20-EG-7200
Vide policy No. 3003/243851172/00/B00 ,
Valid from 29/03/2022 to 28/03/2023)

*Issue notices to
the respondents.
12.10.2022*

*Ex parte
29.9.22*

CLAIM : APPLICATION U/S -166 OF M.V. ACT, 1988, FOR COMPENSATION OF RS. 2,00,000/- (RS. TWO LAKH ONLY).

Honorable sir,

That, above named claimant is applying for grant of compensation towards permanent disability, loss of income and loss of future income and other pecuniary and non-pecuniary losses.-

A. *The necessary particular in respect of injured the vehicle etc. as below.*

- | | |
|---|--|
| 1 | Full Name and Add. Of : Prabhu s/o Meharban Chavan
Injured
R/o – Ektuni, Tanada
Tq. Paithan Dist. Aurangabad |
| 2 | Age of Person Injured At time of accident. 60 years |
| 3 | Occupation of person Injured. Farmer |
| 4 | Name and Address of Employer person injured Self Employed |
| 5 | Monthly Income / Annual Income of Injured Rs.2,00,000/- per year |
| 6 | Place, date and time of Motor accident. On, 18/07/2022, at about 10:30 morning hours, in the jurisdiction of village Rohilagad, near Temple in between two mountain, near Farm of Tatthu Patil, Tq. Ambad, District Jalna. |
| 7 | Name of police station in whose jurisdiction accident Ambad, Police Station, Jalna.
Vide Crime No. 455/2022, U/Sec. |

occurred.

279, 337, 338, 427 of I.P.C.

8 Was the person in respect of whom compensation claimed in said accident.

Claimant was proceeding towards Jalna, from his village, on Rohilagad to Kingaon Chowfully road, at that, time Driver of one Tanker Truck No.MH-20-EG-7200 had given sudden dash to claimant from right side

9 Nature of injury sustained to Injured Claimant.

Fracture to his right Bimelleolar, of right leg.

10 Name and address of the medical officer if any

Medical officer, at Civil Hospital, Jalna, and he was admitted on dated 18/07/2022 to 24/07/2022, thereafter again admitted in same Hospital from dated 31/07/2022 to 02/08/2022 He had taken medical treatment more than two months in this hospital as a outdoor patient.

11 Registration No. and type of vehicle involved in the accident

Tanker Truck No.MH-20-EG-7200

12 Applicants relation with Injured.

Claimant himself

13 Weather any claimant had filed any other claim petition that present.

No, this is first claim petition.

14 Name & Address of owner of vehicle.

As per Respondent No. 2

15 Name and address of insurance company.

As per Respondent No. 3, ICICI Lombard G. Insurance Co.

16 Title of Property of Injured

N.A.

17 Amount of compensation

Rs. 2,00,000/- (Rs. Two Lakh only.)

LAST



18 Any other information that may be necessary or helpful in the disposal of present claim.

As per following pares. Para No.B-1 to 13

B- Brief Facts of claim petition

1. That, the claimant had sustained fractures, injuries and permanent disability in motor accident took place on dated 18/07/2022 at about 10:30 morning hours. Claimant was proceeding from his village Ektuni to Jalna, he was travelling on Rohilgad to Kingaon chowully road, when he reached near Temple, and behind farm of Kalyan Tatthu Patil, in between two mountains, in jurisdiction of village Rohilgad, TQ. Ambad, District Jalna, at that time driver of one Tanker **Truck No.MH-20-EG-7200** coming from opposite -front side had given sudden dash to claimant from right side. Respondent No. 1 of this claim petition was driver of offending Tanker Truck No.MH-20-EG-7200 at the time of accident. He was driving his vehicle on completely side of claimant with rash and negligent manner and with full and excessive speed; he had not taken any care and caution while driving his vehicle on public road. This accident took place due to rash and negligent driving of driver of Respondent no.1 only; there was no fault on the part of claimant at all.

2. That, police authorities of Ambad Police station, Tq. Ambad District Jalna, had registered crime against driver of Tanker

Truck No.MH-20-EG-7200 i.e. Respondent No.1, That, case is registered vide crime No. 455/2022, u/s -279, 337, 338, 427 of I.P.C. Police had conducted investigation accordingly, drowned spot Panchanama which is also corroborated that this accident took place due to negligence of respondent no.1 only. Claimant is enclosing F.I.R., Spot Panchanama registration and fitness certificate and other papers of offending vehicle, driving license of respondent no.1 etc. for kind perusal of this Honorable tribunal.

3. That, after accident immediately he was admitted in Civil Hospital, at Jalna. Claimant had sustained serious fracture to his right leg Bimalleolar bone. Claimant was admitted in this Civil Hospital, Jalna from dated 18/07/2022 to 24/07/2022, thereafter he was again admitted in same Hospital from dated 31/07/2022 to 02/08/2022, during this period doctor had conducted various operations on his fracture and injury. He had taken treatment as a outdoor patient after discharge from Hospital till more than two months. Till today, he is not cure completely. That, due to injuries sustained in this accident claimant had sustained permanent disability, movement of left right leg is restricted, and his body became ugly due to injuries.

LMT



4. That, on account medicine bills, doctors charges and hospitalization charges, travelling, etc. for all treatment, claimant had spend more than Rs. 1,00,000/-. Since the date accident the claimant is taking treatment but till today he is not cured completely. In future also the claimant require treatment, doctor had advised him to further operation, as his injuries are not cure completely. Claimant is required more than Rs. 50,000/- as future medicine expenses. Claimant had spent more than 20,000/- towards travelling -Ambulance, private vehicle charges to attend Hospital after discharge from home. That, family member of claimant had attended every time when claimant was admitted or visited to Hospital, towards medical attendance claimant suffered loss of Rs. 20,000/-. Till today, he could not attend his work till three months. All receipts of medicine expenses are annexed herewith.

5. That, the claimant further submits that the claimant was working as a Farmer, out of his work, he was earning Rs. 2,00,000/- per year, He was 69 years old at the time of accident , he was hard working and skillful farmer. He had bright future, but due to this unfortunate accident, his future is come in dark, his work in completely stopped. That, due to injuries and fractures, he had sustained more than permanent disability 50%, he had lost movement of his leg. He is facing problem in his day to day routine work & becomes weak and unhealthy. He had lost his working capacity at about 100%.

He had bright future, if this accident would have not took place claimant would have earned 25% more than present income. His tears cannot be compensated any means however due to financial difficulty and need the claimant is constrain to file a claim petition which is genuine and reasonable also. Therefore the claimant is entitled for compensation more than Rs. 2,00,000/- from respondents jointly and severally.

6. That, the claimant submits that, considering the mental agony, loss of income, pain and sufferings and permanent disability, loss of income and medical expenses the claimant is entitle for compensation more than Rs.9,80,000/- as per following calculation.

Pecuniary losses

1. Future medical Expenses.....	Rs. 20,000/-
2. Medical Bills-Dr. Charges. Medicine, Consulting fees Pathos tests & investigation, Blood, Anesthesia etc .	Rs.1,00,000/-
3. Medical attendance of family member -.....	Rs.20,000/-
4. Loss of profit till date of recovery of injuries.....	Rs.30,000/-
5. 50% Loss of earning capacity & loss of future earning Till the age of 90	Rs.5,00,000/-
6. Future Prospect 25%	Rs.1,25,000/-

B. Non Pecuniary loses

1. Damage for physical shape/disfiguration	Rs. 50,000/-
2. loss of enjoyment of life, Pain and suffered, problems Towards to do daily routine work, loss of amenities which include, unable to do walk, run, jump, his work, Compensation towards inconvenience of hardship, Discomfort disappointment ,mental stress and frustration as a handicap -.....	Rs. 50,000/-
3. Loss of expectation in life	Rs.50,000/-

A. Special Loss

1. Special diet	Rs.10,000/-
2. Travelling Expenses from Hospital to home	Rs. 20,000/-
3. Walking aids.	Rs.5,000/-

Total loss of claimant under **All Heads A+B+C = Rs. 9,80,000/-**

However, due to financial urgency and uncertainty of life, as such the claimant have restricted figure of his claim amount to tune of Rs. 2,00,000/- which is reasonable and even low, claimant is ready to pay deficit court fees, if this Honorable court grant more compensation than claimed.

7. That, the injures and permanent disability sustained in this is direct effect of the accident took place due to rash and negligent driving of respondent no.1 i.e. driver of Tanker Truck No.MH-20-EG-7200 That, respondent No.2 is registered owner of this offending Truck, and this vehicle is insured with respondent No.3 ICICI Lombard G. Insurance Co.ltd and insurance policy No. 3003/243851172/00/B00 was valid on the date of accident, therefore, respondent Nos. 1 to 3 are jointly or severally liable to pay compensation to claimant.

8. That, the cause of action arose on dated 18/07/2022 on which date the claimant sustained serious injury and permanent disability in the said motor accident and same is continuing till this date.

9. The claimant submits that, claimant and respondents are residing within jurisdiction of this honorable tribunal/court, and also respondent No. 3 is having their office at Aurangabad, hence this honorable tribunal is having jurisdiction try entertain and decide this claim petition in favor of claimant and oblige.
10. The claimant is filling this claim petition for Rs. 2,00,000/- and necessary court fees for this much amount is Rs. 1,375/-. Same is paid herewith.
11. That, claimant had filed this claim petition within the period of limitation of six months as amendment in M.V. Act W.e.f. 01/04/2022.
12. That, claimant had filed this one and only claim petition for compensation towards injury and permanent disability sustained in this motor accident. Separate affidavit is filed towards these contents.
13. That, the claimant craves leave to add, amend, alter or delete any of the para this application as and when required in the interest of justice with prior permission from this Honorable court and oblige.

LAT

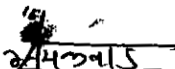


HENCE IT IS PRAYED THAT

- A) That present claim petition u/section 166 of M.V. Act may Kindly be allowed with cost and,
- B) That, respondents may kindly be directed to pay Rs. 2,00,000/- (Rs. Two Lakh Only) towards compensation u/s - 166 of M.V. Act of 1988 to claimant.
- C) That, respondents may be directed to pay interest @12 % p.a. on entire compensation amount from the date of accident till its realization.
- D) Any other suitable order for which the claimant is Found entitled may kindly be granted in favor of Claimant and oblige.

Place: Aurangabad.
Date : 12 /09/2022.
Submitted through

Claimant


Archana G. Gaikwad
Advocate


Prabhu s/o Meharban Chavan

VERIFICATION

I, **Prabhu s/o Meharban Chavan**, Age : 60 year Occ:- at preset Nil, R/o - Ektuni Tanda, Tq. Paithan Dist. Aurangabad, do hereby state on oath that the contents of this petition are true and correct, and best of my knowledge and belief. Hence verified at Aurangabad. On 12 day of September 2022.

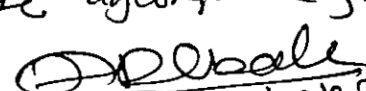
Explained in Marathi and
Identified by

Deponent.


Archana G. Gaikwad
Advocate for claimant


Prabhu s/o Meharban Chavan

Notice duly served to R-3. vide report at Exh. 08.
But R-3 failed to appear. Hence, this matter
shall proceed ex parte against R-3.


29/09/23

M.A.C.P. NO.580/2022
[CNR No.MHAU010065132022]
Prabhu Meharban Chavan
vs.
Akshay Ramesh Chavan +2

ORDER BELOW EXH.1

Applicant filed an application for just compensation under Section 166 of the Motor Vehicle Act, 1988, for accidental injuries.

2. Respondent No.3 – Insurance Company and applicant settled the claim for Rs. 1,00,000/- (Rs. One Lac only) inclusive of no fault liability compensation medical bills, etc. Consequently, compromise is filed before Lok-Adalat. Hence, following order is passed.

ORDER

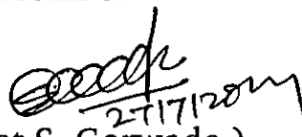
- 1 Application is disposed of as compromised.
- 2 Respondent No.3 Insurance Company is directed to deposit Rs. 1,00,000/- (Rs. One Lac only) inclusive of amount of 'No Fault Liability' compensation and medical bills etc., within 45 days from today. Failure to which interest would carry @ 6% per annum from the date of award.
- 3 The respondent No. 3 shall deposit compensation amount by RTGS or NEFT in the following Saving Account and on deposit of the amount, shall communicate UTR number and beneficiary/claimant's name.

1)	Saving Account No.	:	40777009568
2)	Account Name	:	EX-OFFICIO MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL, AURANGABAD
3)	IFSC Code	:	SBIN0021112
4)	MICR Code	:	431002044
5)	Bank Name and Branch	:	STATE BANK OF INDIA, MAHAVEER CHOWK, AURANGABAD

4] Upon deposit of amount, it be paid to applicant.

5] Award be drawn up accordingly.

Member


(Shaukat S. Gorwade)
Head of the Panel-13
And Member, M.A.C.T.
Aurangabad.

Date: 27.07.2024

Injury

Exh. 13/D

M.A.C.T.

BEFORE THE NATIONAL LOK ADALAT AT DISTRICT COURT
AURANGABAD

(Organized by District Legal Services Authority, Aurangabad under section 19 of Legal Services Authorities act, 1987)

M.A.C.P. No 580 of 2022

Pending Before Motor Accident Claim Tribunal at Aurangabad

1) Prabhu Meharban Chavan _____ Claimants

AND

1) Akshay Ramesh Chavan

2) Suraj Ramkisan Ghule

3) ICICI Lombard General Insurance Co.Ltd _____ Respondents

This claim is filed under section 166 of motor vehicle act for Grant of compensation of on account of accidental injury/Death cause to **Prabhu Meharban Chavan**. The claim is kept before penal headed by **S.S. Borwade** ~~B.B. Toshniwal~~ Sb. Adhoc District Judge-01 Aurangabad, and

1) Adv N. G. Deshmukh 2) Adv. _____

Penal member in the National Lok-Adalat held on 27/07/2024 in the District court Aurangabad for amicable settlement.

We/ I Claimant /s and respondents with the active help of penal judges having voluntarily compromised the claim as follows:

A) Claimant & respondent insurance company are arrived at compromise in National Lok-adalat for Lum-sum of Rs 1,00,000/- (Rs. One Lakhs Only) including NFL, interest & cost & medical & Hospital bills of the deceased/ injured as a full & final compensation. The respondent insurance company shall deposit the above mentioned compensation amount within 45 days from the receipt of compromise award of the present matter. Failing which claimant is entitled to receive aforesaid compensation amount with interest 6 % p.a. from the date compromise.

B) Respondent insurance company is paying of Rs Rs 1,00,000/- (Rs. One Lakhs Only) towards the liability of respondent no. 1 & 2 as such claimant do not want to proceed further in the claim petition against respondent no. 1 also. According to this the above mentioned claim petition may kindly be disposed off.

Claimant/s

Respondent/s



Let H.T.I

[Signature]

1) Prabhu Meharban Chavan

ICICI Lombard General Insurance Co.Ltd

Through Authority

Advocate for the Claimant
Gaikwad A.G.

[Signature]
Advocate for the respondent Ins. Co
Mangesh C.Mene

AWARD

The dispute between the parties is compromised and the following award is passed in terms of compromise.

The court fees, if any paid by the claimants shall be refunded to him/them as per rule.

Head of the penal
(Judicial Officer)

[Signature]
27/7/2024

Name. Shri. *S.S. Gonsode sir*
B.B. Toshniwal Sb

Designation: *ASJ* District Judge-01

Date 27/07/2024

Place: Aurangabad

Members

1) Adv N.D. *[Signature]*
(Name & Sign)

23/5/2024

Exh.12/B



LETTER OF AUTHORITY

Date: July 27, 2024

To,
Advocate
Mangesh Mene
32, Flat NO. 4, sanskruti Arced App.
Deva Nagari, Shahnoorwadi,
Aurangabad

Dear Sir,

Sub: Authority to settle in MACP No. 580 /2022 Aurangabad

We hereby authorize you to settle in MACP No. _____ / _____,
_____ Vs. _____ for an amount of Rs.
1,00,000/- (Rupees one lakh only) only) including NFL,
medical bills, interest and cost pending before MACT Court Aurangabad.

Please provide the Certified Copy of Award once settlement is recorded before the Hon'ble Tribunal.

(For ICICI Lombard General Insurance Company Limited)

Authorized Signatory

Bharat Kedare

Sr. Manager Legal

ICICI Lombard General Insurance Co. Ltd.

1 Floor, Plot No.233, 234, Shree Swami Samarth Srushti,

Above Karnatak Bank, Samarth Nagra, Varad Ganesh Mandir Road, Aurangabad

