

MHRG150002542022



Presented on : 25.04.2022
Registered on : 25.04.2022
Decided on : 02.07.2026
Duration : Ys. Ms. Ds.
4 2 7

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL, AT-MANGAON,
DISTRICT- RAIGAD**

(Presided over by : M. K. Patil, Ex-Officio Member)

Motor Accident Claim Petition No.29/2022
CNR No. MHRG15-000254-2022
Exh.No.38/A

- | | | |
|----------------------------------|---|----------------------|
| 1) Sandesh Gopinath Nage, |) | |
| Age - 49 yrs, Occu.- Service, |) | |
| R/o. Vitthal Ali, Shriwardhan, |) | |
| Tal. Shriwardhan, Dist. Raigad. |) | |
| |) | |
| 2) Shraddha Sandesh Nage, |) | |
| Age - 43 yrs, Occu.- Housewife, |) | |
| R/o. Vitthal Ali, Shriwardhan, |) | |
| Tal. Shriwardhan, Dist. Raigad. |) | ... Claimants |

Versus

Maharashtra State Road Transport	)	
Corporation, Ramwadi, Pen	)	
Tal. Pen, Dist. Raigad.	)	... Respondent

**CLAIM PETITION UNDER SECTION 166 OF
THE MOTOR VEHICLES ACT, 1988.**

Appearances :

Ld. Advocates Shri. V. U. Ghayal/Shri. R. R. Vavekar for claimants.

Ld. Advocate Shri. J. A. Lele for respondent.

: J U D G M E N T :

(Delivered on 02.07.2026)

1) The claimants, being the parents of deceased Prathmesh Sandesh Nage, have filed the present Claim Petition under section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the accidental death of their son aged about 22 years.

2) The case of the claimants is that, on 29.08.2020 deceased was proceeding on his Motorcycle bearing registration No. MH-06/BK-5626 from Shriwardhan to Borlipanchtan. It is alleged that the offending S.T. Bus bearing registration No.MH-14/BT-1839 belonging to respondent was being driven by Mr. Inayattulla Abdulla Raut driver of respondent in a rash and negligent manner and dashed against the motorcycle of the deceased at village Kherdi, on Borlipanchtan-Shriwardhan road, resulting in grievous injuries leading to his death. According to the claimants, the deceased was a bright student and he got 89.60% marks in 10th Standard and 58% marks in 12th Science. He desires to become doctor, hence he was preparing for entrance examination of medical field i.e. National Eligibility cum Entrance Test (UG) 2020 and for that taking education at Latur. He came

to native place Shriwardhan due to Covid-19 pandemic and preparing for entrance examination. Thus, deceased had promising future and they have lost their only source of support and affection. The claimants entitled for just compensation of Rs.6,00,000/- from respondent and ready to deposit additional Court Fee on being granted more compensation than they claimed.

3) Respondent filed its written statement (Exh.7) denying negligence by their driver Mr. Innaytulla Abdulla Raut. It is contended that the accident occurred solely due to the negligence of the deceased, who was allegedly driving his motorcycle at excessive speed and failed to control it. It is further contended that the S. T. Bus driver was driving cautiously on his correct side of the road and therefore the respondents are not liable to pay compensation.

4) On the basis of rival pleadings of the parties, the following issues (Exh.9) were framed by Ld. Predecessor and I answer them for the reasons stated below:-

ISSUES

FINDINGS

- 1) Whether the claimants prove that deceased Prathmesh Sandesh Nage died due to injuries sustained by him in motor vehicular accident occurred on 29.08.2020?

In the
affirmative

- | | |
|--|---|
| 2) Whether the claimants prove that the accident had occurred due to rash and negligent driving of driver of S.T. Bus bearing No. MH-14/BT-1839? | In the affirmative |
| 3) Whether the claimants are entitled for compensation? If yes, from whom and what would be the quantum? | Yes.
To the tune of
Rs.20,37,000/-
with interest @
7.5% p. a. from
respondent |
| 4) What order & award ? | As per final order |

REASONS

5) Claimant No.1 (father of the deceased) entered the witness box and reiterated the contents of the claim petition. He produced certified copies of F.I.R. (Exh.15), Spot Panchanama (Exh.16), Inquest Panchanama (Exh.17), Postmortem Report (Exh.18) and Advance Cause of Death Certificate (Exh.19). He also produced copies educational records i.e. Leaving Certificate (Exh.20), Aadhar Card (Exh.21), Mark-sheet of 10th standard (Exh.22), Mark-sheet of 12th standard (Exh.23), Admit Card for NEET Examination (Exh.24) showing that the deceased had completed his education and was proceeding to appear for the NEET examination.

6) Respondent examined Mr. Innaytulla Abdulla Raut

the S.T. bus driver. He denied negligence and deposed that he was driving the bus carefully. However, except his oral testimony, no independent witness was examined by the respondent.

7) Ld. Advocate Shri. Vavekar argued for claimants. It is submitted that age of deceased is 22 years and he was pursuing M.B.B.S. studies. It is seen from photos that front portion of S.T. bus was damaged, which shows accident caused by dash given by S.T. bus. Further it appears that deceased died on the spot. Claimants proved negligent driving of driver of respondent by examining claimant no.1 and by proving documents such as F.I.R., Spot Panchanama, Inquest Panchanama, Postmortem Notes and Advance Cause of Death Certificate etc. The deceased was bright student and has obtained 90% marks in 10th standard and 58% marks in 12th Science. At the time of accident he was preparing for Medical Entrance Examination. In support of said contention claimants filed on record 10th standard mark-sheet, 12th standard mark-sheet, Admit Card of Entrance Examination. Further submitted that as deceased was bright student and pursuing professional degrees, his notional income be assessed as Rs.15,000/- per month. As the age of deceased was 22, the appropriate multiplier is 18. Further as deceased was unmarried 50% deduction for personal expenses. Thus, as per structured formula given in **National Insurance Company Vs. Pranay Sheti, passed in Special Leave Petition (Civil) No.25590/2014 dated 31/10/2017.**, claimants are entitled for compensation of Rs.25,75,500/- alongwith interest. Thus, prayed for passing

Award accordingly.

8) Ld. Advocate Shri. Lele argued for respondent. It is submitted that though F.I.R. has been lodged against S.T. bus driver, spot panchanama shows road in straight and accident occurred in middle of road. Further photographs taken by driver of S.T. bus shows bus standing on left side from middle of road. Thus, said accident occurred due to negligence of deceased. Respondent examined its driver to prove negligence of deceased. Ld. J.M.F.C. Shriwardhan acquitted S.T. bus driver from alleged accident case. Further submitted that claimant no.1 is a Teacher and have his own income. Hence, he is not dependent on deceased. This is a case of contributory negligence. However, claimants have not made party to the Insurance Company of motorcycle. The claim is exaggerated. Further submitted that deceased had not taken admission to M.B.B.S. studies and only filed his Admit Card. Thus, notional income of deceased would not be more than Rs.10,000/-. Ld. Advocate for respondent fairly conceded that respondent shall not be exonerated, however appropriate compensation shall be awarded by assessing notional income Rs.10,000/-.

AS TO ISSUE NO.1:

9) Claimant no.1 examined himself and reiterated contention of claim petition. In support of his contention, he relied on FIR (Exh.15), Postmortem Notes (Exh.18), Advance

death Certificate (Exh.19), Inquest panchnama (Exh.17) etc. all these documents demonstrates accidental death of his son. Respondent did not dispute death of deceased due accident. Therefore, no need to draw any other inference from other than accidental death of deceased. Thus, I answer Issue No.1 in the affirmative.

AS TO ISSUE NO.2:

10) The F.I.R. was lodged immediately after the accident by Police Constable Shri Tukaram Sakharam Mahadik, specifically attributes negligence to the driver of the respondent. On perusal of F.I.R. it appears that S.T. Bus bearing registration No.MH-14/BT-1839 was going from Borli to Shriwardhan and 200 mtrs. after descending Punit slope within limits of village Kherdi, where though road is straight rear portion of the Bus was found on the right side of the road. The said position of Bus demonstrates that bus driver waved down the motorcyclist and then took aside, due to which accident was occurred. It shows Bus had substantially encroached upon the wrong side of the road. Further, Bus came down from Punit slope within limits of Kherdi village. It means Bus was in speed. Though, informant was not an eye witness, however he has brought on record exact position of Bus and motorcycle after accident. The spot panchanama was carried out on next day i.e. 30.08.2020 after removing both the vehicles from spot.

11) The explanation of the bus driver that he was driving on the correct side does not inspire confidence. In case, the bus been driven strictly on its left side, the rear portion of such a heavy vehicle could not ordinarily have been found occupying the opposite side of the road. The physical evidence at the spot contradicts the oral version of the bus driver.

12) The respondents have not produced any independent passenger or eyewitness to corroborate the version of the bus driver though several passengers would naturally have been travelling in the bus. Adverse inference can therefore be drawn against the respondent.

13) The defence has merely suggested negligence on the part of the deceased but has failed to produce convincing evidence showing excessive speed or any traffic violation committed by him.

14) The doctrine that greater care is expected from the driver of a heavy passenger vehicle is also relevant. A bus driver carrying numerous passengers is expected to maintain proper control of the vehicle and keep strictly to his side of the road. Failure to do so constitutes negligence.

15) The documentary evidence F.I.R. prepared immediately after the accident is consistent with the claimants' version and outweighs the interested testimony of the bus driver.

16) Consequently, this Tribunal holds that the accident occurred solely due to rash and negligent driving of driver of respondent. No material has been brought on record by defence warranting any finding of contributory negligence on the part of the deceased. Thus, I answer Issue No.2 in the affirmative.

AS TO ISSUE NO.3:

17) The deceased was aged about 22 years. His educational record shows that he was preparing to appear for the entrance examination for admission to the medical course. Though he had not yet commenced earning, the evidence unmistakably establishes that he was pursuing higher education and had a bright academic career.

18) In cases involving death of students or non-earning persons possessing exceptional educational potential, the Tribunal cannot ignore their future prospects. Compensation under the Motor Vehicles Act is intended to award just compensation and not merely nominal damages.

19) Since there is no established income, notional income is required to be assessed. Considering the age, educational background, the fact that he was preparing for entrance examination for medical course, prevailing economic conditions and the probability of future advancement, this Tribunal assesses the notional monthly income as **Rs.12,500/-**.

20) As the deceased was below 40 years and possessed bright future prospects, 40% is added towards future prospects, as per the guidelines issued by the Hon'ble Supreme Court in National Insurance Company Vs. Pranay Sheti, passed in Special Leave Petition (Civil) No.25590/2014 dated 31.10.2017.

Monthly income : **Rs.12,500/-**

Future prospects (40%) : **Rs.5000/-**

Total : **Rs.17,500/-** per month (Rs.12,500/- + Rs.5,000/-).

Annual income : **Rs.2,10,000/-** (Rs.17,500/- x 12).

21) The deceased was unmarried. Therefore, 50% is deducted towards his personal and living expenses.

Annual contribution to family : **Rs.1,05,000/-**.

22) Considering the age of the deceased being **22** years, the appropriate multiplier is **18**, as per the guidelines issued by the Hon'ble Supreme Court in Sarla Verma and Anr. Vs. Delhi Transport Corporation and Anr., reported in 2009(5) Mh.L.J. 775.

Loss of dependency:

$\text{Rs.1,05,000/-} \times 18 = \text{Rs.18,90,000/-}$.

23) The claimants are also entitled to compensation

under conventional heads.

- (i) Loss of filial consortium to both parents :
Rs.80,000/-;
 - (ii) Funeral expenses : Rs.15,000/-;
 - (iii) Loss of estate : Rs.15,000/-.
- Total Rs.1,10,000/-.**

In view of ratio laid down by the Hon'ble Apex Court in the case of **National Insurance Co. Ltd. vs Pranay Sethi**, on 31st October, 2017, in paragraph No.61, 10% enhancement in the amount of loss of estate, consortium and funeral expenses is to be made in every three year. As 08 years have already elapsed from passing of that Judgment dated 31.10.2017, 20% increase is being made in the above mentioned three heads. **20%** of Rs.1,10,000/- comes to Rs.22,000/-. Thus, non pecuniary amount comes to **Rs.1,32,000/-**. Thus, total compensation is calculated as follows:

<u>Sr. No.</u>	<u>Heads</u>	<u>Amount</u>
(i)	Loss of dependency	Rs.18,90,000/-
(ii)	Filial consortium	Rs.96,000/-
(iii)	Funeral expenses	Rs.18,000/-
(iv)	Loss of estate	Rs.18,000/-
(v)	Motorcycle damage	Rs.15,000/-
	<u>Total</u>	<u>Rs.20,37,000/-</u>

24) The claimants are also entitled for interest at the rate of 7.5 % per annum from date of filing of petition till realization

of amount.

25) Respondent being employer of driver of offending Bus liable to satisfy award.

26) Accordingly, I answer issue no.3 and proceed to pass following order :-

: O R D E R :

- 1) Petition is allowed with costs.
- 2) The Claimants are entitled to total compensation of **Rs.20,37,000/- (Rs. Twenty lakh thirty seven thousand only)** (inclusive of NFL amount, if any) alongwith interest @ 7.5% per annum, on compensation amount, from the date of filing of petition, till realization of entire compensation amount.
- 3) Respondent do pay an amount of **Rs.20,37,000/- (Rs. Twenty lakh thirty seven thousand only)** (inclusive of NFL amount, if any) as compensation to claimants, with interest @ 7.5% per annum, from the date of filing of petition, till realization of the entire compensation amount.
- 4) The amount of compensation shall be deposited in the account of Ex-Officio Member of M.A.C.T. Mangaon-Raigad,

maintained with State Bank of India, Branch-Mangaon bearing Account No.40784303152 (IFSC No. SBIN0000276, Bank Branch No.0000276).

- 5) The compensation amount of **Rs.20,37,000/-** be apportioned amongst the claimants, as under :-
 - (i) Claimant no.1 – **Rs.10,18,500/-** + proportionate cost of petition + interest.
 - (ii) Claimant no.2 – **Rs.10,18,500/-** + proportionate cost of petition + interest.
- 6) Out of compensation amount payable to claimant no.1, an amount of **Rs.5,00,000/-**. (Rs. Five lakh only), be deposited in his name, in any Nationalized Bank, of his choice, for the period of **3** years and the remaining compensation amount be paid to claimant no.1, on his proper identification.
- 7) Out of compensation amount payable to claimant no.2, an amount of **Rs.5,00,000/-**. (Rs. Five lakh only), be deposited in her name, in any Nationalized Bank, of her choice, for the period of **3** years and the remaining compensation amount be paid to claimant no.2, on her proper identification.
- 8) The Claimants to pay deficit Court fees stamp within the period of one month.

- 9) The respondent do pay costs of petition to claimants and bear their own cost.
- 10) Award be drawn up accordingly.

(Dictated and pronounced in open Court)

Sd/-

Mangaon.
Date : 02.07.2026.

(M. K. Patil)
Ex-Officio Member, M.A.C.T.
Mangaon-Raigad.