

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1581 OF 2014

Shri. Sahebrao Onkar Saindane,
Age: 50 years, Occu. : Nil,
R/o. Nagaon,
Tal. & Dist. Dhule.

...Appellant

versus

Maharashtra State Road Transport Corporation,
Through Divisional Officer,
Dhule Division,
Dhule.

...Respondent

.....
Mr. Shrikant S. Patil, Advocate for Appellant.
Mr. D. S. Bagul, Advocate for respondent.
.....

CORAM : N.W. SAMBRE, J.

DATE : 27TH MARCH, 2015

ORAL ORDER :

. The appellant suffered an accident on 15/01/2007. When he was proceeding on bicycle towards village Nagaon from Dhule, was dashed by S.T. Bus bearing Registration No. MH12-UA-9770 which was proceeding from Shirpur to Dhule.

2. As a result of the said accident, the appellant suffered serious injuries as mentioned in injury certificate at Exhibit-26. Said injuries read thus:

-2-

(1) Blunt trauma to Head – patient Drowsy.

(2) Blunt trauma to Abdomen – Distension - (+)

Haematoma - (+)

3. An offence against the driver of the vehicle came to be registered.

4. The claimant himself entered into witness box in M.A.C.P. No. 188 of 2007 to prove his claim, which was to the tune of Rs. 4,00,000/-.

5. The tribunal, while considering the claim, has analyzed the documentary evidence brought before it and based on Exhibit-43 medical bill issued by Sanjivani Hospital, has proceeded to allow the claim to the tune of Rs.52,500/-, which includes the amount under 'no fault liability', with interest @ 9% p.a. As such, present appeal by claimant.

6. The learned Counsel for claimant-appellant has taken me through the Record and Proceedings of the case and with his assistance, I have perused the entire record.

7. It is brought to my notice that Exhibit-21 - the list of bill issued by the Medical Hospital and Medicine Shop are at all not taken into account or dealt with by learned tribunal.

8. The bill to the tune of Rs.1,21,664/- was neither referred nor considered by the tribunal. Original bills are produced alongwith list Exhibit-21 on record.

9. Mr. Bagul, learned Counsel for respondent fairly admits the said fact and has consented for remand.

10. In view thereof, in my opinion, the case for remand is made out.

11. The judgment delivered by learned Motor Accident Claims Tribunal, Dhule in Motor Accident Claim Petition No. 188 of 2007 on 27/07/2012 is hereby quashed and set aside. The said tribunal is directed to re-consider the claim of the appellant afresh, in view of observations herein above and shall pass an order upon hearing the parties to the claim petition. It is expected of the tribunal to decide all issues raised before it afresh and this Court has not gone into any of the issues which are raised.

12. The Record and Proceedings of this case be sent to the said tribunal forthwith.

[N.W. SAMBRE, J.]