

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1445 OF 2010
WITH
CIVIL APPLICATION NO. 9187 OF 2010

Bapu s/o Namdeo Waghmare,
Age: 40 years, Occu. Business,
R/o Ambi, Tq. Paranda,
District : Osmanabad

...APPELLANT
(Respondent No.1)

VERSUS

1. Shivganga w/o Sunil Borade,
Age: 32 years, Occu. Household,
2. Tejes s/o Sunil Borade,
Age: 12 years, Occu. Education,
3. Sujeet s/o Sunil Borade,
Age: 10 years, Occu. Education,
4. The respondent Nos. 2 & 3
are minors u/g of their real
mother respondent no. 1
5. Parmeshwar s/o Madhav Borade,
Age: 73 years, Occu. Agri.
6. Sudamati w/o Parmeshwar Borade,
Age: 58 years, Occu. Household,

All the respondents R/o Pathrud,
Tq. Bhoom, District Osmanabad

...RESPONDENTS
(Orig. Claimants)

Mr A. S. More, Advocate for appellant;
Mr S. A. Wakure, Advocate for respondent Nos. 5 & 6

CORAM : N.W. SAMBRE, J.

DATE : 9th June, 2015

ORAL ORDER

The Member, Motor Accident Claims Tribunal, Osmanabad, while allowing Motor Accident Claims Petition No.112 of 2002, ordered payment of compensation of Rs.3,00,000/-, which includes no fault liability, with 9% interest per annum, by an award dated 3rd April, 2010, which is subject-matter of challenge in the present First Appeal at the behest of the Driver of the vehicle involved in the accident in question.

2. Mr More, learned Counsel appearing on behalf of the appellant, while questioning the legality of the award would urge that there was no evidence on record to arrive at a finding that compensation of Rs.3,00,000/- was required to be awarded. In support of his contention, he has taken me through the observations made by the Tribunal.

3. Having considered the submissions made by Mr More, it is required to be noted that the accident in question is not disputed by the appellant. The learned Tribunal, while dealing with the claim brought before it noted the contents of the first information report, spot panchnama, inquest panchnama and post mortem report at Exhs.42 to 45 respectively and found that the appellant herein ran away from the spot after occurrence of the accident in question, which has resulted into registration of offence.

4. The Tribunal further noted that deceased was an agriculturist and considered his income based on the above referred background.

5. The Tribunal, while awarding compensation, has recorded cogent reasons and in my opinion, no illegality could be noticed in the findings so recorded.

6. One more aspect of the matter which is required to be noted is that the claim of the appellant for equity in the matter needs no consideration in the light of his above referred conduct after the accident.

7. The present First Appeal, being devoid of merit fails and stands dismissed with no order as to costs.

8. In view of dismissal of the First Appeal, Civil Application No.9187 of 2010 does not survive and stands disposed of.

(N.W. SAMBRE, J.)

amj