



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

217 FIRST APPEAL NO. 191 OF 2003

The State of Maharashtra
Through Executive Engineer,
Minor Irrigation Division,
Irrigation Office, Third Floor,
Infront of Kumarnagar, Sakri road,
Dhule.

.. APPELLANT

VERSUS

Suresh Fattasing Vasave,
Age 40 yrs, Occu. Police Head Constable,
Head Writer, Molgi Police Station,
Akkalkuwa, Tq.Taloda, Dist.Dhule. **.. RESPONDENT**

...

Adv.A.S.Mantri, AGP for the appellant-State
Mr.Sagar A. Raut, Advocate holding for Mr.N.L.Chaudhari,
Advocate for the respondent.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 07.08.2024

P.C. :

1] By the present First Appeal, the appellant-State
is challenging the judgment and order dated 14.03.2000
passed by the Motor Accident Claims Tribunal, Dhule in

MACP No.526 of 1995, thereby granting compensation of Rs.75,000/- to the claimant towards injury.

Brief facts leading to filing the present Appeal can be summarized as under :

2] The respondent – claimant, namely, Suresh Fattasing Vasave was working as Police Head Constable. At the time of accident, claimant – respondent himself, one Vinayak M.Nikumbh, Dilwarsing M. Mali and Vijay H. Salve were on patrolling duty and they were proceedings in Jeep bearing No. MH-18/B-0013 owned by the petitioner. At that time the driver of the said Jeep was driving the Jeep in a rash and negligent manner and due to which the said jeep turtled down into a ditch. Due to said accident, the claimant sustained injuries to his right hand and the claimant has sustained 35% permanent disability.

3] On consideration of the evidence on record, the Tribunal has held that the driver of the vehicle bearing No. MH-18-B-0013 was negligent in driving the Jeep and accordingly met with an accident in which the claimant has sustained injuries. At the relevant time it was noticed that

the claimant was hospitalized and he was out of job for a period four months. Accordingly, he was granted compensation computed by considering his income of Rs.3,000/- per month and granted Rs.12,000/- towards the loss of earning for four months. The Tribunal has granted further compensation to the claimant of Rs.15,000/- towards medical expenses and considering 35% disability of the claimant, the Tribunal has granted compensation of Rs.40,000/- for future loss.

4] The learned AGP submits that the claimant was on leave for the period of four months and without considering the said aspect, the Tribunal has granted compensation of Rs.12,000/- towards loss of income to the claimant. The learned AGP further submits that the Tribunal ought not to have granted Rs.40,000/- to the claimant towards future loss. The learned AGP submits that although the vehicle is in the name of the Executive Engineer, at the relevant time the vehicle was in possession of different authority. Considering the said fact, the learned AGP submits that the present First Appeal may be dismissed.

5] It is to be noted that the claimant at the relevant time was working as Police Head Constable and the claimant has sustained injuries to his right hand. Due to the accident, the claimant has sustained 35% permanent disability. Considering the said fact, the Tribunal has granted compensation of Rs.40,000/- towards future loss and Rs.12,000/- for loss of earning during leave period. Considering that only Rs.40,000/- is granted towards future prospect, I would not interfere with the grant of Rs.12,000/- for loss of income during leave period. Hence, there is no error in the impugned judgment and order dated 14.03.2000 passed by the Motor Accident Claims Tribunal, Dhule in MACP No.526 of 1995. The present First Appeal is dismissed.

6] In view of dismissal of the First Appeal, pending Civil Application, if any, does not survive and the same stands disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE