



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 FIRST APPEAL NO. 946 OF 2011
WITH
CIVIL APPLICATION NO. 2553 OF 2024 IN FA/946/2011

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH ITS
DIVISIONAL OFFICER

VERSUS

SANGITA RAVINDRA PANDORE AND ORS.

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Advocate for Appellant : Mr. Goyanka M.K.

Advocate for Respondents 1 to 3 & 5 : Mr. Chapalgaonkar Shailesh S.

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 26, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By the present appeal, the appellant – Maharashtra State Road Transport Corporation ('MSRTC' for short) challenges the judgment and order dated 10.8.2010 in MACP No. 20/2004 passed by the Motor Accident Claims Tribunal, Kopergaon, whereby the claimants are granted compensation for death caused due to the accident of the MSRTC bus with Luna. The deceased was riding Luna bearing No. MH/15/C-5989.
3. It is the case of the appellant/MSRTC that the Tribunal has not dealt with the aspect of contributory negligence. The learned counsel has taken me through the record and submits that part negligence ought to have been attributed to the rider of the Luna.
4. Having perused the record and judgment of the Tribunal, more particularly issue Nos. 1 and 2 at para No. 7, it is noticed that bus conductor was also witness travelling in the bus and has given police statement that

bus driver was negligent in driving the bus. There is no independent evidence led by the MSRTC and in absence of the same, the Tribunal has rightly arrived at conclusion that bus driver was negligent in the accident. In the instant case, undisputedly, chargesheet is filed against the driver of the bus. Since there is no other evidence, the Tribunal has rightly relied upon the police papers and the driver of the bus was alone held responsible for the accident and has granted compensation to the claimants.

5. Second aspect of the matter is as regards the compensation. Having perused the same, it appears that there is slightly less compensation paid to the claimants, however, the difference would not be much and the claimants have not insisted upon enhancement of compensation. In view of the same, I do not see any reason to interfere in the order passed by the Tribunal.

6. The amount which is deposited in this Court is to be transmitted to the MACT, Kopergaon in MACP No. 20/2004. The claimants are permitted to withdraw the amount along with the accrued interest thereon in terms of the apportionment as directed by the Tribunal vide impugned order. If there is any short fall, the MSRTC to make good the short fall within a period of eight weeks. However, if any excess amount is deposited, the same shall be returned to MSRTC.

7. With the above directions, the first appeal is dismissed. Civil applications, if any, are also disposed of.

(ARUN R. PEDNEKER, J.)