



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

FIRST APPEAL NO. 1476 OF 2022

1. Vilas Ramling Kore
Age: 50 years, Occu.: Labourer,
R/o. H.No.404, Sadbhavana Nagar,
Ausa Road, Latur, District Latur.
2. Sushma Vilas Kore
Age: 55 years, Occu.: Household,
R/o. H.No.404, Sadbhavana Nagar,
Ausa Road, Latur, District Latur.

....Appellant
(Orig. Claimants)

Versus

1. Future Generali India Insurance Co. Ltd.,
Through Its Branch Manager,
Branch Office at Plot No.3, Pagariya
Towers, Rajendra Prasad Road,
(Adalat Road), Aurangabad.
2. Babulal Maganbhai Patel
Age : 52 yrs., Occu.: Business,
R/o. Murlidhar Transport,
14 V.K. Complex near Ashish Cinema,
Odhav, District Ahmedabad (Guj)
PIN 382 410.
3. Surendrasingh Pratapsingh Rajput
Age: 42 yrs., Occu.: Driver,
R/o. Murlidhar Transport,
14 V.K. Complex Near Ashish Cinema,
Odhav, District Ahmedabad (Guj).
PIN 382 410.

...Respondents
(Orig. Respondents)

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Advocate for Appellants : Mr. Kedar Sunil Warad
Advocate for Respondent no.1 : Mr. Abhijit G. Choudhari
Advocate for Respondent nos.2 & 3 are formal parties.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 OCTOBER, 2025

PRONOUNCED ON : 13 OCTOBER, 2025

JUDGMENT :-

1. With consent of the parties, matter is taken up for final hearing at the admission stage.
2. Provisions under Section 173 of the Motor Vehicles Act, 1988, were invoked by the original claimants for non-consideration of rate of interest awarded to other claimants in motor accident claim petitions arising out of one and the same accident.
3. Facts in brief are that, on 02-08-2011 at about 11:45 p.m., deceased Vishwadeep was travelling with his other friends namely Abhay Eknath Gawali, Dnyaneshwar Prakash Sarkate and Harshal Shamkant Deshmukh in Alto Car bearing No.MH-20 BC-3150 on Vaijapur – Daulatabad to Aurangabad route by Padegaon road, Abhay Gawali was behind the wheels. When said Alto Car reached in the vicinity of Padegaon Military Naka, one Truck bearing No.GJ-18 X-8149 was parked in the very middle of the road without giving indicators, without placing reflectors on, as a result of which, the said vehicle was being parked in a rash and negligent manner on a busy

High Way road and therefore, Alto Car in which deceased were travelling could not get sight of the wrongly parked Truck and as such gave dash to said Truck in its rear side. Injured were taken to hospital, but they succumbed. Crime bearing No. I-203 of 2011 was registered against Truck driver for offence under Sections 304-A, 337, 338, 279 of the Indian Penal Code and under Section 134 of the Motor Vehicles Act and on complete investigation, chargesheet was filed against Truck driver.

4. Three distinct motor accident claim petitions were set up by legal heirs of each of the deceased and they were respectively numbered as Motor Accident Claim Petition Nos. 763 of 2012, 764 of 2012 and 834 of 2013. In Motor Accident Claim Petition Nos. 763 of 2012, 764 of 2012, learned Tribunal by the judgment and order dated 03-10-2017 and 29-09-2017 respectively awarded compensation with interest @ 9% p.a.

However, Motor Accident Claim Petition No.834 of 2013 filed by the present appellants and which was decided by another Court, interest rate awarded over the compensation amount is barely 6% p.a. The appellants herein are aggrieved by inadequate compensation as well as less rate of interest awarded on

compensation amount. Hence, present appeal.

5. Learned counsel for the appellants would point out that all three deceased had died in one and same road traffic accident due to negligent parking of the Truck by Truck driver against whom aforesaid crime was registered and he was duly chargesheeted. Learned counsel further submitted that, in other two claim petitions i.e. Motor Accident Claim Petition Nos.763 of 2012 and 764 of 2012, the learned Tribunal has awarded compensation with rate of interest @ 9% p.a., however, on same facts, in the claim petition preferred by present appellants, the learned Tribunal has awarded barely rate of interest @ 6% p.a. i.e. 3% p.m. less than other claim petitions without assigning reasons for different rate of interest. Therefore, same rate of interest i.e. 9% p.a. is urged for as is granted in aforesaid other two claim petitions.

6. Learned counsel for respondent no.1 Insurance Company agrees that in other connected claims arising out of same accident, compensation is awarded with interest rate @ 9% p.a.

7. In view of above submissions, present appellants also deserve same rate of interest. On the ground of parity, present appellants are

also entitled for grant of rate of interest @ 9% p.m. on the compensation amount. Hence, following order :

ORDER

(I) First Appeal is partly allowed.

(II) The Judgment and Order dated 14-12-2021, passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad, is modified to the extent of rate of interest only. The appellants/claimants are entitle for interest @ 9% p.a. on the compensation amount awarded by the Tribunal.

(III) Rest of the Judgment and Order dated 14-12-2021 is maintained.

(IV) Modified award be drawn up accordingly.

(V) The claimants shall pay court fees, if any, on the enhanced amount of compensation.

(ABHAY S. WAGHWASE)
JUDGE