



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2343 OF 2014

1. Balasaheb @ Balkrushna Madhav Todmal,
Age : 33 years, Occu. : Agril.,
R/o. Pimpalgaon - Nipani,
Tq. Sangamner, Dist. Ahmednagar. ... Appellant
(Orig. Claimant)

Versus

1. Sandip Bhagwat Bhor,
Age : 33 years, Occu. : Trade,
R/o. Dhamangaon - Aware,
Tq. Akole, Dist. Ahmednagar.
2. The United Insurance Co. Ltd.,
Though its Branch Manager,
Sangamner, Near S.T. Bus Stand,
Hotel Karam Building, Sangamner,
Tq. Sangamner, Dist. Ahmednagar ... Respondent.
(Orig. Opp. Nos.1 & 2)

.....
Mr. S. K. Shinde, Advocate for Appellant.
Mr. R. D. Bhalerao, Advocate for Respondent No.1.
Mr. A. B. Gatne, Advocate for Respondent No.2.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 DECEMBER 2025

PRONOUNCED ON : 12 DECEMBER 2025

JUDGMENT :

1. Original claimant takes an exception to the judgment and order dated 20.02.2014 passed by learned Motor Accidents Claim Tribunal at Sangamner in M.A.C.P. No.194 of 2009.

2. Learned counsel submitted that, on 21.08.2009, at about

1.30 p.m., appellant was proceeding on his motorcycle bearing no. MH-17-X-8437. When his motorcycle reached in the vicinity of Deothan-Ganore road, near one brick-kiln, his motorcycle was given dash by one Alto Motor Car bearing No. MH-17-V-4952, as a result of which, he suffered grievous injury to his head, leg and both hands and was admitted to 'Chaitanya Hospital Sangamner', where he was treated from 21.08.2009 to 23.08.2009 and thereafter he was shifted to Shatabdi Hospital Nashik for further treatment from 23.08.2009 to 26.09.2009. He submitted that, for said treatment, claimant was required to spend over Rs.3,00,000/-. Claimant had succeeded in proving that there was sole negligence on the part of offending vehicle. Learned tribunal wrongly held that appellant also to be contributory negligent to the extent of 50%. This finding, according to learned counsel, is perverse and is required to be interfered.

3. Learned counsel for insurance company as well as learned counsel for owner of the alleged car, who are original respondents, justify the findings. Learned counsel for insurance company took this court through the findings of the learned trial court in paragraph 9 and also took this court through the spot panchanama Exh.35.

Accordingly on going through the spot panchanama Exh.35, it is emerging that, road on which accident took place was running in south-north direction. The width of that road is about 12 ft. having 2 ft. kaccha road on either of the side. The directions in which the vehicle was allegedly proceeding clearly shows that it is present appellant, who was proceeding on the wrong side. Thus, he is also responsible. Therefore, no fault can be found on the part of tribunal in contributing 50% negligence.

4. No case being made out on merits, the first appeal stands dismissed.

(ABHAY S. WAGHWASE, J.)