



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1206 OF 2014

1. Dinkar S/o. Ganpati Mulik,
Age : 57 years, Occu. : Agriculturist
and Business, R/o. Belewadi,
Tq. Patoda, Dist Beed.

2. Bapu @ Prakash S/o. Dinkar Mulik,
Age : 25 years, Occu. : Driver,
R/o. As above.

... Appellants.

Versus

Vijay S/o. Uttamrao Jadhav,
Age : 42 years, Occu. : Business,
R/o. Manjarsumbha Road,
Patoda, Tq. Patoda, Dist. Beed.

... Respondent

.....
Mr. C. V. Thombre, Advocate for Appellants.
Mr. N. L. Jadhav, Advocate for Respondent.
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 DECEMBER 2025

PRONOUNCED ON : 10 DECEMBER 2025

JUDGMENT :

1. Original respondent no.1 owner of offending tractor and its driver original respondent no.2, are hereby assailing the judgment and award dated 07.03.2014 passed by the learned Motor Accident Claims Tribunal, Beed in M.A.C.P. No. 146 of 2011.

2. In nutshell, facts giving rise to appeal are as under;

Vijay Uttamrao Jadhav, original claimant set up above accident injury claim, on the premise that, on 23.01.2010, at around 7.00 p.m, while he was standing in his field, the tractor driven by original respondent no.2 Bapu and owned by original respondent no.1 Dinkar, gave dash to him, causing him both, head injury and hand injury, and he was thereby required to be hospitalized and treated. That, he suffered permanent disability and so he sought compensation to the tune of Rs.5,00,000/-.

Present appellants, who are original respondents resisted the above claim vide written statement at Exh.12 denying dash or involvement of tractor, and set up a case that claimant, who was addicted to liquor, had on his own accord fallen down and suffered injuries.

After appreciating the respective cases, learned trial court was pleased to partly allow the claim directing present appellants to jointly and severally pay Rs.1,64,532/- with interest at the rate of 8% per annum.

Feeling aggrieved by the above, original respondents owner and driver of the tractor, have preferred instant appeal.

3. Learned counsel for appellants would submit that, there is no case made out for grant of compensation or entitlement to, for accidental claim. According to him, there was no evidence about involvement of tractor. That, in fact, claimant, who was addicted to liquor, on his own accord fell down and suffered injury. That, there was no disability certificate. It is pointed out that, learned trial court has also held that there was no disability and doctor himself had admitted that accused is normal and can do his own work on his own accord, refused to consider or grant compensation for disability. However, learned trial court has still granted compensation to the tune of Rs.1,64,532/- and therefore, he urges to interfere by allowing the appeal.

Learned counsel for respondent/original claimant would support the impugned judgment.

4. Perused the papers. Claim was set up on the ground that, on account of dash being given by tractor bearing MH-23-B-5187, claimant suffered head injury and hand injury.

5. In support of medical treatment, claimant had adduced evidence of CW2 Dr Nilesh at Exh.30, who has deposed about admission of claimant in K.K. hospital from 01.02.2010 to 21.02.2010 on account of

head injury and hand injury. Doctor in his cross seems to have admitted that, claimant can do his normal work. Therefore, taking such evidence into consideration, learned tribunal has held that as permanent disability of claimant is not proved, claimant is not entitled for the same. Learned tribunal seems to have thereby computed compensation for hospitalization expenses and has also taken into account the medical bills apart from granting amount for pain and suffering. Therefore, when facts in the case only demonstrate hospitalization on account of injury and no disability, no error can be attributed to the tribunal for grant of compensation on account of accidental injury, hospitalization on account of the same and taking treatment for the same. There is nothing in support of contention that deceased suffered the injury on account of his own fault as is tried to be put-forth in appeal. Hence, there being no merits and no infirmity in the impugned order, I proceed to pass the following order :-

ORDER

The First Appeal is dismissed.

(ABHAY S. WAGHWASE, J.)