



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2795 OF 2024
WITH
CA/1509/2025 IN FA/2795/2024
WITH
CA/12311/2024 IN FA/2795/2024

Maharashtra State Road Transport Corporation,
Through Divisional Controller,
Maharashtra State Road Transport Corporation,
Tq. & Dist. Chhatrapati Sambhaji Nagar.

...APPELLANT
(Orig. Respondent)

VERSUS

Koushalyabai Shantilal Chavhan,
Age : 52 years, Occu. : Household,
R/o : H.No. 352, Satara Tanda No. 1,
Satara Parisar, Chh. Sambhaji Nagar.

...RESPONDENT
(Orig. Claimant)

.....
Mr. D.S. Bagul, Advocate for the appellant
Mr. Shaikh Kayyum Najir : Advocate for Respondent
.....

CORAM : S. G. CHAPALGAONKAR, J.

Date of Reservation : 06.02.2025
Date of pronouncement : 13.02.2025

JUDGMENT :-

1. Present appeal is filed assailing judgment and award dated 12.07.2024 passed by Motor Accident Claims Tribunal, Aurangabad in MACP No. 440 of 2022. Respondent/Original Claimant instituted MACP No.440 of 2022 under Section 164 of the Motor Vehicles Act.

2. Deceased Shantilal Hari Chavhan was travelling by Mahindra

Bolero Goods Carrier vehicle bearing registration No.MH-21-BH-4331. At about 18.30 hours a ST Bus bearing registration No. No.MH-13-CU-6838 collided against Bolero Jeep. Deceased suffered injuries on account of said accident. Deceased was aged about 52 years and labour by occupation.

3. Respondent MSRTC refuted claim on the ground that an accident occurred due to fault on part of Bolero Jeep driver and claim is not maintainable against MSRTC.

4. The Tribunal, after considering rival submissions allowed claim petition and directed respondent MSRTC to pay compensation of Rs. 5,00,000/- to claimant along with interest @ 6% p.a.

5. Mr. Bagul learned Advocate appearing for appellant submits that Tribunal failed to interpret Section 164 of the Motor Vehicles Act. In fact, the accident occurred due to sole negligence on the part of Bolero jeep driver. The jeep in question gave dash to ST bus while its driver was driving same cautiously. Tribunal has not applied appropriate multiplier and granted excessive and exorbitant compensation.

6. Having considered submissions, apparently, present claim has been instituted under Section 164 of the Motor Vehicles Act, which provides for fixed compensation of Rs. 5,00,000/- in case of death in any accident arising out of use of motor vehicle. Section 164 (2) exempts Claimant from responsibility to prove negligence or default of owner of the vehicle or any other person. Aforesaid provision has been brought into statute book vide Amendment Act 32 of 2019 w.e.f. 01.04.2022. Considering purport of aforesaid provision, once it is established that death is occurred out of accident and arising out of use of motor vehicle, liability of owner or insurer, as the case may be, is absolute without

requirement of any proof of negligence. Fixed sum of Rs. 5,00,000/- is provided towards death of victim and Rs. 2.5 Lakhs in case of grievous hurt.

7. In the present case, it is not disputed that ST Bus was involved in accident. As such, liability of the MSRTC being owner of ST Bus is absolute. In that view of the matter, submissions advanced on behalf of appellant MSRTC are liable to be rejected. In result, order passed by Tribunal cannot be faulted hence appeal deserves to be rejected being sans merit.

8. In view of dismissal of Appeal, amount deposited by appellant MSRTC be released in favour of Claimants along with accrued interest thereon.

9. Pending Civil Applications, also stand disposed off in view of disposal of appeal.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/