

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.536 OF 2024**

|                                                     |   |                     |
|-----------------------------------------------------|---|---------------------|
| <b>Maharashtra State Road Transport Corporation</b> | } |                     |
| Through Divisional Controller, Pune                 | } |                     |
| Address : Baramati Depot, Taluka-Baramati,          | } |                     |
| District-Pune.                                      | } | <b>...Appellant</b> |

*Versus*

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>1. Uttam Anna Bankar</b>           | } |                       |
| Age-54 years, Occ: Agriculture        | } |                       |
| <b>2. Kiran Uttam Bankar</b>          | } |                       |
| Age-25 years, Occ: Agriculture        | } |                       |
| Both R/o Karhawagaj, Taluka-Baramati, | } |                       |
| District-Pune.                        | } | <b>...Respondents</b> |

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Mr.Nitesh V. Bhutekar, for the Appellant.

Ms.Harshada Shrikhande, for Respondent Nos.1 and 2.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 21<sup>st</sup> JULY 2025**

**ORAL JUDGMENT :-**

. The issues involved in this Appeal are, income of the deceased is considered on higher side and accident occurred due to negligence of the deceased.

2. It is contention of the learned counsel for the Appellant that, the Tribunal has considered monthly income of the deceased at Rs.6,000/- per month, without evidence on record. The learned counsel further submitted that, accident occurred due to negligence of the deceased, but the Tribunal has not considered this fact and requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent-Claimant that, offence was registered against the driver of the Corporation and charge-sheet was filed against him. The deceased was Pillion Rider, so no question of his negligence arises. The learned counsel further submitted that, the deceased was doing agricultural activities, from that she was earning Rs.10,000/- per month, but the Tribunal has considered her monthly income at Rs.6,000/-, which is proper. The Tribunal has pass well reasoned order no interference is required in it and requested to dismiss the Appeal.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Pune.

5. Admittedly, the offence was registered against the driver of the Corporation. While dealing with the issue of the negligence, the Tribunal has observed that, spot panchnama and police papers produced on record shows that, accident occurred due the negligence of the driver. Moreover, the deceased was Pillion Rider, so no question of his negligence arises. Hence, I do not find merit in contention that accident occurred due to negligence of the deceased.

6. To prove the income of the deceased, the Claimant No.1 has examined himself. He has stated that the deceased was cultivating land and she was earning Rs.10,000/- per month. Considering evidence on record, the Tribunal has considered income of Rs.6,000/- per month. I do not find infirmity in it.

7. In view of above, I pass following order.

### **ORDER**

- (i) The Appeal is dismissed.
- (ii) The Claimants are permitted to withdraw deposited amount along with interest.
- (iii) The Respondent-Corporation shall deposit the

awarded compensation alongwith accrued interest, if not deposited.

(iv) The statutory amount alongwith interest be transferred to the Tribunal. Parties are at liberty to withdraw it, as per Rules.

(v) Record and Proceedings be sent back to the Tribunal.

(vi) All pending Civil and Interim Applications are disposed of.

**(SHIVKUMAR DIGE, J.)**