

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 965 OF 2025

- The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
 versus
- 1 Mrs. Namita Jayant Chogale)
 Age about 36 yrs., Occu - Nil)
- 2 Miss. Siddhi Jayant Chogale)
 Age about 13 yrs., Occu - Nil)
- 3 Master Sarthak Jayant Chogale)
 Age about 10 yrs, Occu - Nil)
- 4 Shri Harishchandra Rama Chogale (Deleted))
 Age about 64 yrs., Occu. - Nil)
- 5 Mrs. Vatsala Harishchandra Chogale)
 Age about 64 yrs., Occu-Nil)
)
- Applicant Nos. 2 & 3 being minor through their)
 Mother and next friend Mrs. Namita Jayant)
 Chogale)
 All residing at Post-Harnai)
 Tal. Dapoli, Dist. Ratnagiri – 415 713)
- 6 The Registrar)
 Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
 At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

WITH
FIRST APPEAL (STAMP) NO. 3608 OF 2023

- The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
 versus
- 1 Smt. Sanvi Sachin Gimhavanekar)
 Aged about 28 years, Occu - Nil)
- 2 Miss. Shrisha Sachin Gimhavanekar)
 Aged about 3 years, Occu – Nil.)
 Applicant No.2 being minor through her mother)
 and next friend Smt. Sanvi Sachin Gimhavanekar,)
 the applicant No.1)
- 3 Smt. Manisha Motiram Gimhavanekar)
 Aged about 55 years, Occu – Nil)

Respondent Nos. 1 to 3 resides at – Post-)
 Gimhavane, Gimhananekar Wadi, Tal-Dapoli,)
 Dist – Ratnagiri – 415 713)
 6 The Registrar)
 Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
 At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
 FIRST APPEAL STAMP NO. 3652 OF 2023**

The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
 versus)
 1 Mrs. Meera Nilesh Tambe)
 Aged about 30 years, Occu - Nil)
 2 Master Neel Nilesh Tambe)
 Aged about 1 year, Occu- Nil)
 3 Mrs. Surekha Pandurang Tambe)
 Aged about 65 years, Occu – Nil)
 Applicant No.2 being minor through his Next friend)
 and Mother the applicant No.1)
 All resides at – Post- Gorivale Wadi,)
 Chandranagar, Tal – Dapoli,)
 Dist – Ratnagiri - 415 712)
 4 The Registrar)
 Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
 At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
 FIRST APPEAL STAMP NO. 3655 OF 2023**

The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
 versus)
 1 Mrs. Arya Sandip Suvare)
 Age about 45 yrs., Occu - Nil)
 2 Miss. Sakshi Sandip Suvare)
 Age about 17 yrs., Occu - Nil)
 3 Miss. Ritu Sandip Suvare)
 Age about 13 yrs, Occu - Nil)

- 4 Mrs. Hemlata Vitthal Suvare)
 Age about 73 yrs., Occu – Nil)
)
 Applicant Nos. 2 and 3 being minors through their)
 next friend, their mother Applicant No.1)
 His Mother Applicant No.1)
 All are residing at Post – 92/2, Sarthi Bazar Peth,)
 Kombadi Galli, Dapoli, Tal. Dapoli,)
 Dist. Ratnagiri- 415 712)
 5 The Registrar)
 Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
 At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
FIRST APPEAL STAMP NO. 3659 OF 2023**

- The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
 versus
- 1 Mrs. Pooja Kishor Chaugule)
 Aged about 40 years, Occu - Nil)
 2 Miss Shreya Kishor Chaugule)
 Aged about 13 years, Occu - Nil)
 3 Master Prasanna Kishor Chaugule)
 Aged about 6 years, Occu - Nil)
 4 Mr. Pandurang Nagu Chaugule)
 Aged about 70 years, Occu - Nil)
 5 Mrs. Ratnakala Pandurang Chaugule)
 Aged about 68 years, Occu – Nil)
)
 Applicant Nos. 2 & 3 being minors)
 through their Next Friend and their Mother)
 the Applicant No.1)
 All are residing at – Harnai, **Kalkhamb Peth,**)
 Dapoli, Tal – Dapoli, Dist – Ratnagiri-415 713)
 6 The Registrar)
 Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
 At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
FIRST APPEAL STAMP NO. 3739 OF 2023**

- The United India Insurance Company Limited)
 Deepak Hotel Building, Opp. New S.T.Stand,)
 Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant

versus

- 1 Mrs. Nidhi Ratnakar Pagade)
Age about 32 yrs., Occu - Nil)
- 2 Miss. Riya Ratnakar Pagade)
Age about 9 yrs., Occu - Nil)
- 3 Master Neer Ratnakar Pagade)
Age about 63 yrs., Occu - Nil)
- 4 Mrs. Jayashri Madhukar Pagade)
Applicant No. 2 and 3 being minor through their)
Mother and next friend Mrs. Nidhi Ratnakar)
Pagade)
All are residing at : Post – Chandra Nagar)
Gorivale Wadi, Tal. Dapoli,)
Dist. Ratnagiri – 415 712.)
- 5 The Registrar)
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

WITH

FIRST APPEAL STAMP NO. 3745 OF 2023

The United India Insurance Company Limited)
Deepak Hotel Building, Opp. New S.T.Stand,)
Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
versus

- 1 Mr. Ramesh Laxman Sawant)
Age about 58 yrs., Occu - Nil)
- 2 Mrs. Ranjana Ramesh Sawant)
Age about 50 yrs., Occu - Nil)
- 3 Mr. Aniket Ramesh Sawant)
Age about 20 yrs., Occu – Nil)
)
- 4 All residing at : Plot No. 106, Vaibhav CHS Ltd.)
Gorai No.1, Borivli (West), Mumbai – 400 092)
The Registrar)
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

WITH

FIRST APPEAL STAMP NO. 4508 OF 2023

The United India Insurance Company Limited)
Deepak Hotel Building, Opp. New S.T.Stand,)
Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
versus

- 1 Smt. Shalaka Suyash Bal)
Age about 45 yrs., Occu-Nil)
- 2 Mr. Ameya Suyash Bal)
Aged about 25 yrs., Occu - Nil)
- 3 Mr. Akshay Suyash Bal)
Aged about 23 yrs., Occu - Nil)
- 4 Mr. Vinayak Raghunath Bal)
Age about 82 yrs., Occu – Nil)
)
- All are residing at : Post- Ladghar)
Tal. Dapoli, Dist – Ratnagiri – 415 712)
- 5 The Registrar)
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
FIRST APPEAL NO. 966 OF 2025**

- The United India Insurance Company Limited)
Deepak Hotel Building, Opp. New S.T.Stand,)
Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant
versus
- 1 Mrs. Shraddha Pramod Shigwan)
Age about 33 yrs., Occu-Nil)
 - 2 Mr. Niranjana Pramod Shigwan)
Age about 9 yrs., Occu-Nil)
 - 3 Mr. Mohan Raghunath Shigwan)
Age about 56 yrs., Occu-Nil)
 - 4 Mrs. Shital Mohan Shigwan)
Age about 53 yrs., Occu-Nil)
)
 - Applicant No.2, being minor through his mother)
and next friend Mrs. Shraddha Pramod Shigwan)
)
 - All are residing at : Post- Wadachakond)
Tal. Dapoli, Dist – Ratnagiri – 415 712.)
 - 5 The Registrar)
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth)
At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712)... Respondents

**WITH
FIRST APPEAL NO. 1289 OF 2025**

- The United India Insurance Company Limited)
Deepak Hotel Building, Opp. New S.T.Stand,)
Chiplun, Tal. Chiplun, District : Ratnagiri)... Appellant

versus

- | | | | |
|---|--|------------------|--|
| 1 | Mrs. Rani Rajendra Bandabe |) | |
| | Age about 40 yrs, Occu - Nil |) | |
| 2 | Master Raturaj Rajendra Bandabe |) | |
| | Age about 17 yrs, Occu - Nil |) | |
| 3 | Miss Gargi Rajendra Bandabe |) | |
| | Age about 9 yrs, Occu - Nil |) | |
| 4 | Mrs. Jayashri Vitthal Bandabe |) | |
| | Age about 71 yrs, Occu – Nil |) | |
| | |) | |
| | Applicant Nos. 2 & 3 being minors through their |) | |
| | Mother & Next Friend Mrs. Rani Rajendra |) | |
| | Bandabe |) | |
| 5 | The Registrar |) | |
| | Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth |) | |
| | At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712 |)... Respondents | |

**WITH
FIRST APPEAL STAMP NO. 3623 OF 2023**

- | | | | |
|---|--|------------------|--|
| | The United India Insurance Company Limited |) | |
| | Deepak Hotel Building, Opp. New S.T.Stand, |) | |
| | Chiplun, Tal. Chiplun, District : Ratnagiri |)... Appellant | |
| | versus | | |
| 1 | Mrs. Rashmi Rajaram Gawade |) | |
| | Age about 34 yrs., Occu-Nil |) | |
| 2 | Master Avnish Rajaram Gawade |) | |
| | Age about 5 yrs., Occu – Nil |) | |
| | |) | |
| | Applicant No.2 being minor through his mother |) | |
| | and next friend Mrs. Rashmi Rajaram Gawde, the |) | |
| | Applicant No.1 |) | |
| | All are residing at : Post – Umberle |) | |
| | Primary Health Centre, Tal. Dapoli |) | |
| | Dist. Ratnagiri – 415 712. |) | |
| 3 | The Registrar |) | |
| | Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth |) | |
| | At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712 |)... Respondents | |

**WITH
FIRST APPEAL STAMP NO. 3626 OF 2023**

- | | | | |
|--|---|----------------|--|
| | The United India Insurance Company Limited |) | |
| | Deepak Hotel Building, Opp. New S.T.Stand, |) | |
| | Chiplun, Tal. Chiplun, District : Ratnagiri |)... Appellant | |

versus

- | | | | |
|---|--|---|-------------|
| 1 | Mr. Jaya Nagu Tabib |) | |
| | Age about 59 yrs., Occu - Nil |) | |
| 2 | Mrs. Vimal Jaya Tabib |) | |
| | Age about 57 yrs., Occu – Nil |) | |
| | |) | |
| | All are residing at Post – Harnai |) | |
| | Tal. Dapoli, Dist. Ratnagiri – 415 713. |) | |
| 3 | The Registrar |) | |
| | Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth |) | |
| | At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712 |) | |
| 4 | Mrs. Reena Roshan Tabib |) | |
| | Age about 21 yrs., Occu. Nil |) | |
| | Residing at Post – Harnai, Malkambpeth |) | |
| | Tal. Dapoli, Dist. Ratnagiri – 415 713 |) | Respondents |

WITH

FIRST APPEAL NO. 1311 OF 2025

The United India Insurance Company Limited	)	
Deepak Hotel Building, Opp. New S.T.Stand,	)	
Chiplun, Tal. Chiplun, District : Ratnagiri	)	... Appellant

versus

- | | | | |
|---|--|---|-------------|
| 1 | Mr. Ramchandra Dhondu Kadam |) | |
| | Age about 69 yrs., Occu - Nil |) | |
| 2 | Mrs. Rajshri Ramchandra Kadam |) | |
| | Age about 59 yrs., Occu – Nil |) | |
| | |) | |
| | All are residing at Post -Jalgaon, Pangarewadi, |) | |
| | Tal. Dapoli, Dist. Ratnagiri – 415 712 |) | |
| 3 | The Registrar |) | |
| | Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth |) | |
| | At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712 |) | |
| 4 | Mrs. Priyanka Pankaj Kadam |) | |
| | Age about 26 yrs., Occu. Service |) | |
| | |) | |
| | All are residing at : Post – Udaynagar |) | |
| | Tal. Dapoli, Dist. Ratnagiri – 415 712 |) | Respondents |

WITH

FIRST APPEAL NO. 1314 OF 2025

The United India Insurance Company Limited	)	
Deepak Hotel Building, Opp. New S.T.Stand,	)	
Chiplun, Tal. Chiplun, District : Ratnagiri	)	... Appellant

versus

- | | | |
|---|--|------------------|
| 1 | Mrs. Sayali Sunil Sathale |) |
| | Age about 42 yrs., Occu - Nil |) |
| 2 | Miss. Jaitali Sunil Sathale |) |
| | Aged about 17 yrs., Occu - Nil |) |
| 3 | Miss. Gayatri Sunil Sathale |) |
| | Age about 10 yrs., Occu – Nil |) |
| | |) |
| | Applicant No. 2 and 3 being minors through their |) |
| | mother and next friend Mrs. Sayali Sunil Sathale |) |
| | |) |
| | All are residing at : Post – Jalgaon |) |
| | Shriram Nagar, Tal. Dapoli, |) |
| | Dist. Ratnagiri – 415 712 |) |
| 4 | The Registrar |) |
| | Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth |) |
| | At Post & Tal. Dapoli, Dist. Ratnagiri – 415 712 |)... Respondents |

Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the Appellant in all appeals.

Mr. B. M. More a/w. Mr. Mandar More, Advocates for Respondents/Claimants.

Mr. C.S.Dalvi, Advocate for Respondent -Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th JULY, 2025.

Judgment :

1. First Appeal Nos.1311 and 1314 of 2025, 3626 of 2023 and First Appeal Stamp No.3623 of 2023 are not on board, however, they are heard finally along with connected appeals which are on board today.

2. All these 15 appeals are preferred against the judgments and orders passed by the Motor Accident Claims Tribunal, Khed, District Ratnagiri (for short “the Tribunal”).

3. All learned counsel submitted that all these appeals be decided at the admission stage as issues involved in all these appeals are common.

4. Considering the submissions of all learned counsel, I am deciding these appeals at admission stage by this common judgment.

5. It is contention of learned counsel for the appellant-Insurance Company that common ground raised in all these appeals is, FIR was lodged after five months of the accident. There is delay in filing the FIR but this fact is not considered by the Tribunal. Learned counsel further submitted that the offending bus was not having valid permit at the time of accident, there was breach of terms and conditions of the insurance policy but the Tribunal has not considered this fact. Learned counsel further submitted that in First Appeal No.962 of 2025, the deceased was not a third party as the deceased was employed by the owner of the offending bus. He further submitted that the receipt of premium under IMT 37 was a condition precedent to honour the claim but in absence of such receipt of premium, liability cannot be fixed on the appellant-Insurance Company. Learned counsel further submitted that in some appeals, the claimants have got job in the place of deceased on compassionate ground, hence, their salary amount must be deducted in proportion to the income of the deceased. Learned counsel further submitted that the claimants in all appeals have received sum of Rs.10,00,000/- under an insurance

scheme, this amount is required to be deducted from the compensation amount. Hence, requested to allow all appeals.

6. It is contention of learned counsel for respondents/claimants that due to accident, all the occupants in the bus died on the spot except one passenger who was sitting beside the driver. After the accident, due to serious injuries, the said passenger was admitted in hospital and after discharge from the hospital, he filed FIR against the driver of the offending bus. Learned counsel further submitted that though the appellant-Insurance Company have raised various grounds in the appeals but no evidence is produced on record in support of the defenses taken by the Insurance Company. Learned counsel further submitted that the claimants have received compensation under insurance scheme but it was not for accidental injuries and it was from their personal insurance policy. Hence, the amount received in those personal insurance policies cannot be deducted from compensation which they are liable to receive under the accident claim. Learned counsel further submitted that the Tribunal has passed well reasoned order, no interference is required in it and requested to dismiss the appeals.

7. I have heard both learned counsel, perused the judgments and orders passed by the Tribunal.

8. It is contention of learned counsel for appellant-Insurance Company that there is delay of five months in lodging the FIR. It appears

from the record that the appellant-Insurance Company has not disputed about the accident. At the time of the accident, the offending bus was insured with the appellant-Insurance Company.

9. It is claimants' case that on 28th July 2018, the first informant along with deceased was going to Mahabaleshwar by bus bearing registration No.MH-08-E-9087. Other employees of the respondent – Krishi Vidyapeeth were also occupants of the said bus. The bus was proceeding by Ambenali Valley, at that time, the driver of the bus lost control over the bus and the bus went into the deep valley. All the occupants of the bus died in the said accident on the spot except one passenger-Prakash Sawantdesai, who was sitting beside the driver and after the accident, due to serious injuries, he was admitted in hospital and after discharge from the hospital, he filed FIR against the driver of the offending bus. Hence, I do not find merit in the contention of learned counsel for the appellant-Insurance Company about the delay in filing the FIR as there was no intentional delay in filing the FIR.

10. Learned counsel for the appellant-Insurance Company has raised a ground of not having valid permit of the bus, and that the receipt of the premium under IMT 37 was the condition precedent but no evidence is produced on record to prove these defenses. Hence, I do not find merit in it. It is settled principle of law that if any plea is taken by any party, it has to be proved by cogent evidence. The appellant had not produced any evidence before the Tribunal that at the time of the

accident, the bus was not having valid permit and the premium under IMT 37 was condition precedent.

10. It is contention of learned counsel for the appellant-Insurance Company that some of claimants have received compensation under insurance scheme. In my view, the claimants have received compensation under personal insurance policies of the deceased. The compensation received under personal insurance policies cannot be deducted from the accident claim compensation. Though the deceased were employees of respondent-Krishi Vidyapeeth but at the time of the accident, the bus was insured with the appellant-Insurance Company and the insurance of the occupants of the bus was covered under the insurance policy. Hence, the appellant-Insurance Company is liable to pay compensation.

11. It is contention of learned counsel for appellant-Insurance Company that some of the claimants have received employment on compassionate ground, hence, the salary received on compassionate service be deducted from the compensation received by the claimants. In my view, getting employment on compassionate ground cannot be a ground to deduct their salary from the compensation which they are entitled under accident claim as they are doing service, hence, they are getting salary. The Tribunal has passed well reasoned order, no interference is required in it.

12. In view of above, I pass the following order :

ORDER

1. All the first appeals are dismissed. No order as to cost.
2. The claimants in all the appeals are permitted to withdraw the deposited amount along with accrued interest thereon.
3. The statutory amount in all the appeals be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.
4. Record and proceedings be sent to the Tribunal.
5. Learned counsel for the respondents/claimants tendered chart of apportionment of compensation amount in each appeal. He is directed to produce the chart along with application before the concerned Tribunal. The learned Tribunal shall decide the said application on its own merit.
8. Pending applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)