

The Divisional Officer }
 Maharashtra State Road Transport }
 Corporation }
 Corporation Baramati, Taluka-Baramati, }
 District-Pune } ... Appellant

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- 1. Sarika Sachin Kamble**
Age-30 years, Occ: Housewife
- 2. Kum.Pradnya Sachin Kamble**
Age-9 years, Occ: Education
- 3. Kum Rajnandini Sachin Kamble**
Age- 7 years , Occ: Eudcation
- 4. Kum.Gauri Sachin Kamble**
Age-5 years, Occ: Education
- 5. Chi.Sanwidhan Sachin Kamble**
Age-2 years, Occ: Nil
- 6. Sou.Ramabai Kantilal Kamble**
Ageg-55 years, Occ: Housewife
- 7. Shri.Kantilal Sopan Kamble**
Age-61 yers, Occ: Nil

Respondent No.1 for herself and on

behalf of Respondent Nos.2 to 5 as a	}	
mother-Natural Guardian	}	
	}	
All R/at Loharvasti, Walchandnagar,	}	
Taluka-Indapur, District-Pune.	}	... Respondents

Mr.Sumedh S. Gaikwad i/b Mr.D.D. Rananaware, for the Appellant-MSRTC.
Mr.Prashant S. Hagare a/w Ms.Ekta Patil, for the Respondents.

CORAM : R.M. JOSHI, J.

DATE : 22nd DECEMBER 2025

P.C:-

1. By consent of both sides heard finally at the stage of admission.

2. This Appeal filed by Maharashtra State Road Transport Corporation ('MSRTC' for short) takes exception to the judgment and award dated 3rd April 2024 passed by Motor Accident Claims Tribunal, Mumbai ('MACT' for short) in Application No.109 of 2018 whereby the Claimants are granted compensation of sum of Rs.62,60,000/- with interest @ 8% per annum from the date of the Application till realization of the amount.

3. The Appellant-MSRTC has filed this Appeal on the ground that the Tribunal has committed error in not accepting the negligence on the part of the rider of the motor-cycle in the occurrence of the accident. It is the submission of the learned counsel for the Appellant that the MSRTC has led evidence of the driver of the bus which according to him indicates that the bus was being driven by him in moderate speed and accident occurred as deceased came to the wrong side of the road. It is his further submission that the Tribunal has also committed error in accepting the income of the deceased on higher side.

4. The learned counsel for the Claimant supported the impugned judgment and award.

5. The initial burden is on Claimants to prove the manner in which the accident has occurred and involvement of the offending vehicle therein. The Claimants have placed reliance on police papers. Perusal of the spot panchnama indicates that the accident has occurred not owing to the negligence of the rider of the motor-cycle however on account of the offending bus coming from the wrong side. The learned

Tribunal has rightly taken into consideration the said evidence on record and rendered finding in Paragraph No.10 of the judgment. Merely because MSRTC has examined the driver of the bus, it cannot be held that he was not negligent in the accident in question.

6. Inso far as the employment and income of the deceased is concerned the Claimants examined Claimant No.1 as well as led evidence of the Abhijit Mirge. This witness testified about the deceased being employed in the Production Department of Walchand Industries Pvt. Ltd. as Assistant Operator. There is more than sufficient evidence on record to indicate that the deceased was earning income of Rs.3,06,600/- per annum. The Tribunal has also rightly taken into consideration the relevant law for the purpose of determination of the compensation including the Application of correct multiplier owing to the age of the deceased.

7. As a result of above discussion, this Court finds no substance in the Appeal. Hence it stands dismissed.

8. Court Fees be refunded as per Rules.

9. The statutory amount of Rs.25,000/- be transferred to the Tribunal as per Rules.

10. All pending Civil and Interim Applications are disposed of.

(R.M. JOSHI, J.)