IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 627 OF 2022

1. Navnath Jagannath Sinare,
Age: 45 years, Occu. Agriculture,

2. Sunita Navnath Sinare,
Age: 40 years, Occu. Household,
Both R/o. Chanegaon, Taluka Sangamner,
District Ahmednagar .. Appellants
(Original claimants)

Versus

1. Shahnawaj Firoj Shaikh,
Age Major, Occu. Business,
R/o. At post N-31, G-G/11,
Gopal Shrikrishna Chowk,
Behind Bhujbal Firm, Cidco,
Nashik – 422 001

2. Legal Manager,
Bajaj Allianz General Insurance Co. Ltd.,
G. E. Plazza, Airport Road, Yervada,
Pune – 411 006 .. Respondents
(Original Opponents)

Mr. Rahul A. Tambe, Advocate for Appellants;
Mr. Sajed W. Khan, Advocate for Respondent No.1;
Mr. Mohit R. Deshmukh, Advocate for Respondent No.2

CORAM : SACHIN S. DESHMUKH, J.

DATE : 27-10-2026

JUDGMENT:-

1. The appellants assail the judgment and award rendered by the Motor Accident Claims Tribunal, Sangamner, in M.A.C.P. No. 115 of 2015, dated 10.12.2021, dismissing the claim-petition seeking compensation in relation to the death of their 23-year-old unmarried son.

2. On 13.04.2015, at about 8:15 p.m., the deceased, Mahendra, was riding motorcycle bearing registration No. MH-15-W-3419 near Loni Engineering College where it collided with Eicher Tempo bearing registration No. MH-22-1609, travelling at high speed from the opposite direction. The deceased sustained serious head injuries and died during treatment on 17.04.2015.

3. Crime No. I-87 of 2015 was registered against the tempo driver under Sections 279, 337, 338 and 304A of the Indian Penal Code and Sections 184, 134 and 187 of the Motor Vehicles Act. A chargesheet submitted in S.C.C. No. 5080 of 2015.

4. Respondent No. 1, the vehicle owner, admitted the vehicle's involvement and its valid insurance. Respondent No. 2, the insurer, denied involvement and alleged that the 23-days delay in lodging the FIR indicated collusion.

5. The Tribunal dismissed the claim, as the delay in lodging the FIR, rejection of eyewitness's testimony, and claimants' failure to examine the Investigating Officer and also inferred collusion between the claimants and the vehicle owner.

6. Mr. Tambe, learned counsel for the appellants, submits that the hospitals had forwarded medico-legal case (MLC) intimations to the police on 13.04.2015 and 17.04.2015, and the delay in lodging the FIR was not fatal. It is submitted that the eyewitness's

evidence read with the police papers, established the accident and the tempo's involvement. The Investigating Officer's non-examination did not warrant dismissal of the claim, particularly when the insurer led no evidence in rebuttal.

7. On quantum, the learned counsel submits that the deceased was a 23-year-old watchman with an established income and that the Tribunal ought to have awarded just compensation to dependent parents.

8. In support of submissions, the learned counsel for appellants relies on the following judgments;

(i) *Ravi versus Badrinarayan and others, (2011) 4 SCC 693;*
(ii) *Raj Kumar Das (Dead) Through LRs versus National Insurance Company Limited, (2026 INSC 541).*

9. Mr. Khan, learned counsel for respondent No.1 submits that the owner of the offending vehicle admitted the involvement of the vehicle in the accident and the existence of a valid insurance policy.

10. Mr. Deshmukh, learned counsel for respondent No.2-Insurance Company opposed the appeal and supported the order under challenge, submitting that inordinate 23-days' delay in lodging the FIR raised serious suspicion of false vehicle implication and shattered the authenticity of the accident. It is submitted that

eyewitness P.W.3 was untrustworthy due to contradictions in shop closing hours and failure to inform the police immediately, and that police documents only could not establish negligence without examining the Investigating Officer. Further, alleged collusion between the claimants and respondent No.1 (Vehicle Owner), who admitted the collision in spite not being an eyewitness. As such, prayed to dismiss the appeal.

11. In support of submissions, the learned counsel for respondent No.2 placed reliance upon the following judgments;

1. *Vanita and others versus Shriram General Insurance Company Ltd. and Another, 2024 INSC 777 (Civil Appeal No. 10694 of 2024);*
2. *The New India Assurance Company Ltd. v. Sangita Dattarao Karhale and Others, First Appeal No. 1631 of 2024, Bombay High Court (Aurangabad Bench);*
3. *Kalpana Rajendra Kothari and Others v. Santosh Arvind Jangam and Another, First Appeal No. 396 of 2019.*

12. Upon hearing the submissions of the learned counsel for the litigating sides and perusing the evidence on record, it is evident that the Tribunal dismissed the claim petition on the grounds of a 23-day FIR delay and non-examination of the Investigating Officer, failure to appreciate that Pravara Rural Hospital and Nobel Hospital forwarded immediate Medico-Legal Certificate (M.L.C.) to the police on 13.04.2015 and 17.04.2015.

13. In the motor accident claims, delay in lodging a formal FIR is

not fatal, in view of the judgment in the case of ***Ravi v. Badrinarayan (supra)*** as grieving relatives prioritize urgent medical treatment rather rushing to police stations and a certified police charge-sheet constitutes *prima facie* proof of negligence under the standard of preponderance of probabilities.

14. Prosecution Witness No.3 - eyewitness specifically chased the offending vehicle up to Hotel Tarang, and noted registration number of vehicle and since the Insurance Company failed to lead rebuttal evidence, as such, the Tribunal’s finding disbelieving vehicle involvement is perverse and unsustainable.

15. The Tribunal wrongly dismissing the claim petition over a 23-day FIR delay and non-examination of the Investigating Officer. Immediate M.L.C. intimations were sent by the concerned hospital directly to the police on 13.04.2015 and 17.04.2015.

16. The judicial precedents relied upon by the respondent No.2-Insurance company are distinguishable on the facts and circumstances of this case. Therefore, have no application to the present case.

17. The deceased was 23-years old worked as a watchman. Although the documentary evidence indicated a salary of Rs.4,230/- per month, it is well-settled under the Motor Vehicles Act, a beneficial welfare legislation, that courts must award 'just

compensation' and cannot benchmark an able-bodied victim's earning capacity below the prevailing statutory minimum wage.

As laid down in the cases of *Chandra @ Chanda @ Chandraram & Anr. Versus Mukesh Kumar Yadav & Ors.*(2022) 1 SCC 198 and *Govind Yadav versus New India Insurance Co. Ltd., (2011) 10 SCC 683*, assessing the notional monthly income working youth in the year 2015 at the standard baseline of Rs.6,000/- per month is legally imperative, realistic, and fair, notwithstanding salary figure appearing on paper.

18. As per the case of *Pranay Sethi* (supra), 40% is added for future prospects for self-employed / fixed-salary victims under 40 years of age, yields Rs.6,000 + 2,400 = 8,400/- per month.

19. In the case of *Sarla Verma* (supra), 50% (one half) is deducted for an unmarried bachelor's personal living expenses: Rs.1,00,800/2 = Rs.50,400/- net annual dependency. As such, for the age at 23 years, the applicable statutory multiplier is 18 : Rs.50,400 x 18 = Rs.9,07,200/- towards total loss of dependency.

20. In accordance with the principles laid down in the case of *Pranay Sethi (supra)*, the compensation under the conventional heads is calculated by applying ten percent for each three years to the baseline. As such, the conventional compensation is quantified as Rs.96,800/- towards Loss of Filial Consortium awarded at the rate of Rs. 48,400/- each for the two dependent

parents, along with Rs. 18,150/- towards Loss of Estate and Rs. 18,150/- towards Funeral Expenses, culminating in a total conventional award of Rs. 1,33,100/-.

21. Reimbursement for hospital bills incurred during treatment is to be awarded Rs.32,239/-.

22. As such, the following compensation deserves to be awarded to the claimants;

Head of Compensation	Compensation
Loss of Dependency	907200
Loss of Filial Consortium	96800
Loss of Estate	18150
Funeral Expenses	18150
Actual Medical Bills	32239
Compensation including no fault liability amount to be awarded at Rs.	1072539

23. Hence, the following order is passed;

ORDER

(i) The first appeal is allowed.

(ii) The judgment and award rendered by the Motor Accident Claims Tribunal, Sangamner, in M.A.C.P. No. 115 of 2015, dated 10.12.2021, is quashed and set aside.

(iii) Respondents No. 1 and 2 shall jointly and severally deposit the amount towards compensation Rs.10,72,539/- (Rs.Ten Lakh Seventy Two Thousands Five Hundred Thirty Nine Only) along with interest @ 7.5 % *per annum* from the date of presentation of claim petition within six weeks.

(iv) Upon deposit, the compensation amount shall be disbursed equally to the appellants. The deficit court fees be paid on the compensation as per rules.

[SACHIN S. DESHMUKH]
JUDGE

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