IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 922 OF 2001

Shri. Deepak Sopan Arbune]
Age 31 Years, Occ. Hotel Business,]
R/o. Koyan Housing Society,]
Near Circuit House, Karad, Dist. Satara] **... Appellant**

Versus.

1. Shri. Sarjerao Krishnaji Chavan]
   Age 71 Years, Occ. Agriculturist & Household,]
   [As per Order dt.28/10/2010, abated]]
2. Sou. Laxmibai Sarjerao Chavan]
   Age 61 Years, Occ. Household,]
   Both R/o. Kole, Tal. Karad, Dist. Satara.]
3. Shri Sadashiv Gunda Patil]
   Adult, Occ. Agriculturist,]
   R/o. Kole, Tal. Karad, Dist. Satara.]
4. Shri Shivaji Ibrahim Kazi]
   Adult, Occ. Nil,]
   R/a. 64, Raviwar Peth, Karad,]
   Tal. Karad, Dist. Satara] **... Respondents**

Mr. N. J. Patil the Appellant.
None for the Respondents.

Coram : ASHWIN D. BHOBE, J.

Date : 9th October 2026.

ORAL JUDGEMENT :-

1. Heard Mr. N.J. Patil, learned Advocate for the Appellant. None appears for the Respondents.

2. By the present Appeal, the Appellant assails the Judgment and Award dated 11th December 2000, passed by the Motor Accident Claims Tribunal, Satara ("the Tribunal"), in Motor Accident Claim Petition No. 426 of 1994, whereby the Tribunal awarded compensation of Rs. 72,600/- to Respondent Nos. 1 and 2, with interest at 12% per annum ("impugned Judgment").

3. In Motor Accident Claim Petition No. 426 of 1994, the Appellant is the Opponent No. 3; Respondent Nos. 1 and 2 are the Claimants and Respondent Nos. 3 and 4 are the Opponent Nos. 2 and 3, respectively.

4. The material facts relevant to this Appeal are that on 20th February 1994, an accident occurred on the road from Karad ST Stand to the Tahsildar's Office at Dattatreya Chowk, Karad. Rajendra Chavan (deceased) was riding pillion on a motorcycle ridden by Respondent No.3 (Sadashiv Gunda Patil). The deceased succumbed to the injuries sustained in the said accident.

5. Respondent Nos. 1 and 2 filed Motor Accident Claim Petition No. 426 of 1994, seeking compensation of Rs. 3,00,000/- for the death of the

deceased.

6. By the impugned Judgment, the Tribunal awarded compensation of Rs. 72,600/-, payable with interest at 12% per annum from the date of the Petition till realisation.

7. Mr. N.J. Patil, learned Advocate for the Appellant, submits that the Appellant, who is the owner of the motorcycle ridden by Respondent No. 3, is not responsible for the accident. He further submits that the Tribunal has erroneously held Respondent No. 3 to have been rash and negligent in riding the motorcycle. He also submits that the compensation of Rs. 72,600/- awarded to Respondent Nos. 1 and 2 is excessive. On these grounds, Mr. N.J. Patil, learned Advocate for the Appellant, seeks to set aside the impugned Judgment and Award.

8. The Roznama indicates that the present Appeal stands abated against Respondent No. 1. The Office Note dated 25th August 2025 records as follows:

> "Appeal abated against R. No. 1 vide order dt. 28.10.2025."

9. Perused the records.

10. From the contentions urged by Mr. N.J. Patil, learned Advocate for the Appellant, the point that falls for consideration in this Appeal is whether the

conclusions of the Tribunal in the impugned Judgment on rash and negligent driving and grant of compensation suffer from perversity ?

11. Sarjerao (C.W.-1) has examined himself in support of the claim of Respondent Nos. 1 and 2. Among other documents, he has produced the FIR (Exhibit-37) registered against Respondent No. 3 in respect of the said accident and the Spot Panchanama (Exhibit-36) on record.

12. The Appellant contends that the accident did not result from rash and negligent driving by Respondent No. 3. Neither the Appellant nor Respondent No. 3 examined themselves or any witness on their behalf. In such circumstances, a mere submission without supporting material on record is liable to be rejected. The Tribunal has precisely done so.

13. After considering the FIR and the spot panchanama (Exhibit 36), the Tribunal concluded that the accident appeared to have occurred due to rash and negligent driving by Respondent No. 3 and rejected the Appellant's contention. I do not find any perversity or illegality in the Tribunal's conclusions.

14. With reference to the contention of Mr. N.J. Patil, learned Advocate for the Appellant, that the compensation awarded is excessive, no material on record is shown, nor has any submission been advanced to support the contention that the compensation of Rs. 72,600/- is excessive.

15. After applying the multiplier of eight (8), the Tribunal has computed the compensation at Rs. 72,600/-. I do not find any perversity in the Tribunal's computation. The compensation awarded by the Tribunal to Respondent Nos. 1 and 2 is just.

16. The Tribunal has considered the material on record, assessed it and concluded that the accident resulted from the rash and negligent driving of Respondent No. 3. It further held that Respondent Nos. 1 and 2 are entitled to Rs. 72,600/-, payable with interest.

17. In view of the above and further the undisputed fact that the Appeal has abated against Respondent No. 1 (Claimant No. 1), no case is made out for interference in this Appeal.

18. Accordingly, the First Appeal No. 922 of 2001 is dismissed. No order as to costs.

19. Interim orders, if any, passed in this First Appeal stand vacated forthwith.

20. Award be drawn accordingly.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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