

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

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 60 OF 2025

Maharashtra State Road Transport Corporation Thr. ... Appellant
Its Controller, Sangli

Versus

Vitthal Sidhalinga Kale And Ors. ... Respondents

Mr. Nitesh V. Bhutekar (Through VC) for the Appellant.

Mr. Aditya Ghadge a/w Mr. Akshay Kulkarni, Mr. Avesh Ghadge for the
Respondent No. 3-Claimants.

CORAM : M.W. CHANDWANI, J.

DATE : 17th April, 2026.

P. C. :

1. Heard the learned counsels for the parties.
2. The present Appeal challenges the Judgment and Award dated 23.08.2019 passed by the Motor Accident Claims Tribunal, Sangli, whereby the present Appellant was directed to pay an amount of ₹5,25,000/- to the original claimants, along with interest at the rate of 7.5% per annum, on account of the death of deceased Sachin Kale in a vehicular accident which occurred on 22.05.2014.
3. The facts, in brief, are summarized as under:

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3.1. The claim petition was filed by the present Respondents under Section 163-A of the Motor Vehicles Act, 1988, seeking compensation of ₹5,34,500/- for the untimely death of Sachin Vitthal Kale in a motor accident which occurred on 22.05.2014.

3.2. On 22.05.2014, at about 3:15 p.m., deceased Sachin Kale was travelling in a Maruti car bearing No. MH-04-BS-1300 on Kavathe-Mahankal to Sangli Road. When he reached in front of Shivar Hotel Dhaba at Kavathe-Mahankal, an S.T. Bus bearing registration No. MH-12-CH-7952, owned by the Appellant and driven by Respondent No. 4 (Baburao Govind Bhosale), came from the wrong side and dashed against the car of the deceased. As a result of the accident, the deceased sustained grievous injuries and succumbed to the same.

3.3. An offence in respect of the said accident was registered vide C.R. No. 106/2014 at Kavathe-Mahankal Police Station. The said S.T. Bus, owned by the Appellant and driven by Respondent No. 4, was involved in the accident.

3.4. The Respondents contended that at the time of the accident, the deceased was aged about 33 years and was earning ₹3,300/- per month while working with Thyroid Care, Sangli. It was further contended that due to his death, the claimants suffered loss of dependency and therefore, claimed compensation of ₹5,34,500/-.

4. The claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988. The learned Tribunal, after considering the evidence on record and observing that the accident involved the Maruti car of the deceased and the S.T. Bus bearing No. MH-12-CH-7952, applied the amended Second Schedule to the Act of 1988, to award compensation of ₹5,25,000/- with interest at the rate of 7.5% per annum, and directed the Appellant to pay the said amount to the claimants.

5. Perusal of the grounds raised in the Appeal reveals that the Appellant has proceeded as if the claim petition was filed under Section 166 of the Motor Vehicles Act. However, the fact remains that the award has been passed under Section 163-A of the Act. Therefore, the submission of the learned counsel for the Appellant that the accident occurred due to negligence on the part of the deceased, and that an offence was registered against him, is of no assistance to the Appellant. In a claim under Section 163-A, proof of negligence is not required. The issue is squarely covered by the decision of the Hon'ble Supreme Court in *Reshma Kumari and others vs. Madan Mohan and anr*¹.

6. In view of the above, there is no merit in the present Appeal. The Appeal is accordingly dismissed.

[M.W. CHANDWANI, J.]

¹ 2013 (9) SCC 65