

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 through ... Appellant
Its Controller, Sangli

Versus

Vitthal Sidhalinga Kale and others

... Respondents

Ms. Priyasha Patel (through V.C.), for the Appellant.

Mr. Avesh Ghadge a/w Mr. Aditya Ghadge and Mr. Akshay Kulkarni, for
Respondent No.3.

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CORAM : M. M. SATHAYE, J.

DATE : 17th March, 2026.

P. C. :

1. Learned counsel for the Appellant seeks time to file compilation of documents. She submitted that the Appeal is filed, *inter alia*, on the ground of negligence of deceased himself having contributed in the accident.
2. Admittedly, the claim is filed under section 163-A of the Motor Vehicles Act and, therefore, the aspect of negligence will have to be considered in the teeth of the said section.
3. Learned counsel for Respondent No.3 (one of the claimants) submits that on the date of impugned judgment and order, second schedule to the Motor Vehicle Act, 1988 was amended (with effect from 22.05.2018) and on 23.08.2019, the Tribunal has granted amount of Rs.5,25,000/- by considering

5% increase from January, 2019 onwards as provided in the amended second schedule. He relied on the judgment of Hon'ble Supreme Court in case of **K.R. Jagadish and another versus National Insurance Co. Ltd. and another [2025 ACJ 1881]** to contend that since beneficial legislation is involved, law prevailing at the time of adjudication, if more favourable, must be applied.

4. Learned counsel for the Appellant seeks time to take appropriate instructions and make further submissions on the next date.

5. Stand over to 02.04.2026. To be listed 'for disposal' after urgent/circulated matters.

[M. M. SATHAYE, J.]