

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1018 OF 2024**

Maharashtra State Road Transport
Corporation (MSRTC), Nashik
Thr. Divisional Controller ...Appellant
Versus
Nathu Shivram Jagtap (deceased-deleted)
And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 10045 OF 2024
IN
FIRST APPEAL NO. 1018 OF 2024
WITH
INTERIM APPLICATION NO. 282 OF 2026
IN
FIRST APPEAL NO. 1018 OF 2024**

Mr. P. D. Rananaware *a/w Manjeet Lotankar, for the Appellant.*
Mr. Pritesh Bohade, *for the Respondents.*

CORAM R. M. JOSHI, J.
DATED: 23rd JANUARY 2026

PC:-

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

2. This Appeal, filed under Section 173 of the Motor Vehicles Act, takes exception to the Judgment and Order dated 4th January 2024 passed in M.A.C.P No. 1087 of 2018, filed under Section 163A of Motor Vehicles Act, granting compensation of Rs.6,25,000/- to the Claimants with interest at the rate of 7% per annum from the date of the petition till realisation of the amount.

3. There is no dispute about the fact that the accident occurred on 23rd June 2018. There was involvement of a State Transport Bus bearing No. MH-14-BT-4716 and a jeep bearing No. MH-15-EB-3619. Further, admittedly, the deceased was a passenger in the jeep. The Appellant-MSRTC takes exception to the said Judgment and Award on the ground that, having regard to the nature of the accident, no negligence can be attributed to the driver of the bus.

4. Learned counsel for the Appellant-MSRTC submits that the Tribunal has committed error in not considering the fact that there was no negligence on the part of the driver of the

ST bus in occurrence of the accident and in such circumstances, the Tribunal was not justified in passing the impugned Judgment and Award. He also takes exception to the same on the ground that excessive interest has been granted by the Tribunal.

5. Learned counsel for the Claimants supported the impugned Judgment and Award.

6. In view of the undisputed fact with regard to the involvement of the ST bus in the occurrence of the accident and also considering that the deceased was not responsible for the occurrence of the accident, being a passenger in the jeep involved in the accident, there was no reason for the Tribunal to go into the issue of negligence in a claim under Section 163A of the Motor Vehicles Act. The Tribunal has rightly held that the Claimants are entitled to receive Rs.5,00,000/- with 5% annual increase. Consequently, the award passed to pay compensation of Rs.6,25,000/- is just and proper. The interest

at the rate of 7% per annum granted by the Tribunal cannot be considered as excessive.

7. In view of the above, there are no merits in the Appeal. Hence, the following order:

ORDER

- (i) The Appeal is dismissed.
- (ii) The statutory deposit along with interest, if any, be transferred to the Tribunal.
- (iii) All pending applications, if any, stand disposed of.
- (iv) R & P be sent back to the Tribunal.

(R. M. JOSHI, J.)