

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1431 OF 2025

Maharashtra State Road Transport Corporation
through Divisional Controller, Raigad,
Division Office, Ramwadi, Tal.Pen, Dist.Raigad.

Appellant

versus

Chandrakant Ravji Dore, Age 25 years,
Occ.Labour, R/o.Post Devmal, Post Pabal,
Tal.Pen, Dist.Raigad.

Respondent

Mr.Dhananjay Dnyaneshwar Rananaware for Appellant.

Mr.Sanjay Ghaisas for Respondent.

CORAM: AARTI SATHE, J.

DATE: 9th June 2026

ORAL JUDGMENT :-

1. This appeal challenges the judgment and award dated 15th January 2024 (hereinafter referred to as the ('impugned judgment and award')) passed by Motor Accident Claims Tribunal, Alibag (hereinafter referred to as 'the MACT') whereby the Applicant (Respondent herein) has been awarded an amount of Rs.2,50,000/- along with interest @ 9% p.a from the date of filing the Motor Accident Claim Petition No.27 of 2023 till realization.

2. Brief facts of the case are as follows :

(a) Respondent is the victim of motor vehicular accident which occurred on 29th December 2022 at about 9.45 a.m on Pen-Khopoli Road, Tal.Pen, Dist.Raigad. On the date of accident, the Respondent was travelling on a motorcycle bearing registration No.MH-06-CG-3417. He was going on Pen-

Khopoli road and when he reached within the vicinity of village Dhamni at Kanhere phata, a state transport bus of the Appellant Corporation bearing No.MH-20-BL-2714 approached from the opposite direction and dashed the motorcycle of the Respondent. It is the Respondent's contention that the Respondent sustained serious injuries on account of the aforesaid accident and he had to be admitted in Mhatre Hospital, Pen till 31st December 2022. It is further his contention that he incurred Rs.25,000/- as hospital charges towards treatment of his injuries sustained in the accident;

(b) At the time of the accident, Respondent was 24 years old and was doing labour work and earning Rs.40,000/- p.a. It is the Respondent's contention that on account of injuries suffered due to the accident, the Respondent suffered permanent disability and could not carry out his work. The Appellant is the registered owner of bus bearing No.MH-20-BL-2714 and it is the Respondent's contention that on account of rash and negligent driving by the driver of the Appellant Corporation's S.T bus, the Respondent sustained injuries and hence the Appellant was liable to pay the compensation to the Respondent;

(c) The FIR was lodged in respect of the aforesaid accident and spot panchanama was drawn in respect of the aforesaid accident;

(d) On 15th February 2023 the Respondent filed Motor Accident Claim Petition No.27 of 2023 before the MACT under the provisions of Section 164 of Motor Vehicles Act, 1988 ('the Act') and claimed compensation along with interest as per the provisions of the Act from the date of application till realization.;

(e) The impugned judgment and award was passed on the aforesaid Motor Accident Claim Petition No.27 of 2023 in favour of the Respondent awarding a sum of Rs.2,50,000/- including no fault liability (NFL) together with interest @ 9% p.a from the date of claim till realization to the Respondent.

3. It is in the backdrop of the above facts I proceed to decide the present appeal.

4. Heard learned counsels for the Appellant and the Respondent. Learned counsel for the Appellant Mr.Dhananjay Rananaware has submitted that the impugned judgment and award has been passed without appreciating the facts and law and the quantum as awarded by the impugned judgment and award is excessive and arbitrary. It is his primary contention that the nature of injury which was sustained by the Respondent, had not been proved before the MACT and hence the provisions of Section 164 of the Act could not be applied. He further contended that the impugned judgment and award had erroneously recorded that the Respondent was earning Rs.40,000/- p.a at the time of accident. He also contended that the accident had not occurred on account of rash and negligent driving of the driver of the Appellant Corporation, but on account of negligent driving of the Respondent. In view of the aforesaid submissions, learned counsel for the Appellant submitted that the impugned judgment and award needs to be set aside and the appeal be allowed.

5. *Per contra*, learned counsel for Respondent Mr.Sanjay Ghaisas submitted that the impugned judgment and award passed by the MACT was a well

reasoned award and did not suffer from any infirmity and is required to be confirmed. It was his submission that the claim amount awarded by the MACT was the correct amount and was justifiable in the present case. He also submitted that the evidence adduced by the Respondent about occurrence of the accident and the Respondent sustaining injuries had not been challenged during the cross-examination by the Appellant. He further submitted that the written statement of the Appellant filed before MACT did not dispute the factum of accident and involvement of the S.T bus owned by the Appellant Corporation in the accident. He further submitted that the copy of FIR, spot panchanama, injury certificate, discharge card issued by Mhatre Hospital where the Respondent had received medical treatment, had also been placed on record and the said evidence was not displaced by the Appellant before the MACT, thereby proving that the Respondent had indeed suffered injuries on account of the accident caused by the offending bus owned by the Appellant Corporation. Learned counsel for the Respondent further drew the attention of this Court to the categorical finding as recorded by the MACT that, the Respondent had sustained fracture injuries to his back bone and was admitted to Mhatre Hospital and the same evidence had not been shaken in the cross-examination. He further sought to place reliance on the finding as recorded by the MACT on the evidence/deposition of one Dr.Sathe which proved that the Respondent had indeed sustained 20% permanent disability due to accidental injuries. It was therefore his submission that uncontroverted evidence which has been placed before the MACT, clearly proved that the Respondent had

suffered the permanent disability as pleaded by the Respondent, and hence the findings of the MACT were correct and well reasoned.

6. Learned counsel for the Respondent also submitted that the claim which was filed before the MACT was filed under Section 164 of the Act, which categorically provides that in any claim for compensation under the aforesaid section, the claimant would not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made, was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person, and the only requirement under the section is that the claimant has met with motor vehicular accident. He further submitted that sub-section 1 of Section 164 clearly stipulates the amount of compensation in respect of grievous hurt which is capped at Rs.2,50,000/- and in respect of death on account of accident the compensation is Rs.5,00,000/-. He therefore submitted that present case falls squarely within the provisions of Section 164 of the Act and the compensation of Rs.2,50,000/- with interest @ 9% p.a from the date of claim till realization, has been rightly awarded by the MACT to the Respondent.

7. Learned counsel for the Respondent also sought to place reliance on the decision of the Supreme Court in the case of **United India Insurance Company Limited Vs. Sunil Kumar and another**¹, to submit that any proceeding under Section 163-A of the Act does not open to the insurer, to raise the defence of negligence on the part of victim and compensation has to be paid as per the structured formula as stipulated therein.

¹(2019)12-SCC-398

8. I have gone through the records, impugned judgment and award and also considered the submissions made by learned counsels for Appellant and the Respondent, and I am of the view that the impugned judgment and award is a well reasoned award, passed after taking into consideration all the facts and evidence led before the MACT. Further, in the facts of the case, considering that the claim was filed under the provisions of Section 164 of the Act, which stipulates amount of compensation to be paid in respect of grievous hurt caused on account of an accident and no negligence needs to be proved by the claimant but only the occurrence of the accident is a sufficient condition, I am of the view that the judgment and award has been passed in consonance with Section 164 of the Act. I come to the aforesaid decision on the basis of following reasons :

(i) At the very outset since the Claim was filed under Section 164 of the Act, it would be convenient to reproduce the provision of the aforesaid section :

164. Payment of compensation in case of death or grievous hurt, etc.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.]

On a plain reading of the aforesaid section I am of the view that the submission as canvassed by the learned counsel for the Respondent is of much substance that in the proceeding filed under Section 164 of the Act, the Claimant does not have to plead or establish that the death or the grievous hurt in respect of which the claim has been made, was due to any wrongful act or neglect or default of the vehicle or the owner of the vehicle or any other person. The only requirement is that the accident has been caused and thereafter the owner of the vehicle or the authorized insurer is liable to pay the aforesaid amount as stipulated in the Section. Further, I am also in agreement with the contention as canvassed by the learned counsel for Respondent that sub-Section 1 of Section 164 stipulates the compensation to be awarded in the case of death or grievous hurt respectively. I am of the view that in the present case the compensation of Rs.2,50,000/- has been rightly made by the MACT in consonance with the provisions of sub-Section 1 of Section 164 of the Act. Further it is not disputed that the accident had occurred and the same was on account of rash driving of the driver of the S.T bus owned by the Appellant Corporation;

(ii) Reliance placed by learned counsel for the Respondent on the case of **United India Insurance Company Limited Vs. Sunil Kumar and another** (supra) is also apposite to the facts of the present case inasmuch as though the said judgment has been rendered under the provisions of Section 163-A of the Act, the same stands incorporated with effect from 1st April 2022 in the substituted section 164 of the Act. The language as provided under Section 163-A of the Act now finds place in Section 164 of the Act with effect from 1st April 2022 and hence the

judgment of the Supreme Court in United India Insurance Company Limited (supra) is applicable to the facts of the present case wherein it has been categorically held that any proceeding under Section 163-A of the Act does not open for the insurer the defence of negligence on the part of victim. The relevant paragraphs of the aforesaid judgment are reproduced below :

8. From the above discussion, it is clear that grant of compensation under Section 163-A of the Act on the basis of the structured formula is in the nature of a final award and the adjudication thereunder is required to be made without any requirement of any proof of negligence of the driver/owner of the vehicle(s) involved in the accident. This is made explicit by Section 163-A(2). Though the aforesaid section of the Act does not specifically exclude a possible defence of the insurer based on the negligence of the claimant as contemplated by Section 140(4), to permit such defence to be introduced by the insurer and/or to understand the provisions of Section 163-A of the Act to be contemplating any such situation would go contrary to the very legislative object behind introduction of Section 163-A of the Act, namely, final compensation within a limited time-frame on the basis of the structured formula to overcome situations where the claims of compensation on the basis of fault liability were taking an unduly long time. In fact, to understand Section 163-A of the Act to permit the insurer to raise the defence of negligence would be to bring a proceeding under Section 163-A of the Act on a par with the proceeding under Section 160 of the Act which would not only be self-contradictory but also defeat the very legislative intention.

9. For the aforesaid reasons, we answer the question arising by holding that in a proceeding under Section 163-A of the Act, it is not open for the insurer to raise any defence of negligence on the part of the victim.

(Emphasis supplied)

Further, the Supreme Court in the case of **Gohar Mohammed Vs. U.P. SRTC**² has reiterated that the claimant is not required to plead or establish any wrongful act or neglect or default of the owner of vehicle or driver or any other person for payment of compensation under Section 164 of the MV Act. Relevant paragraph of the aforesaid decision is reproduced below: -

48. The aforesaid provision has been brought where the claimant(s) is not required to plead or establish any wrongful act or neglect or default of the owner(s) of the vehicle(s) or of any other person for payment of compensation. Therefore, sub-section (1) has been given overriding effect limiting the liability to pay

2(2023)4-SCC-381

compensation to the tune of Rs 5 lakhs in case of death and Rs 2:50 lakhs in case of grievous hurt to the legal heirs or to the victims), as the case may be. It is further made clear that the compensation, if payable in any other law, then such amount is required to be reduced from the amount of compensation payable under this section, meaning thereby the legislative intent is clear that a person, who has suffered with an accident must be compensated just and reasonably and the victim(s)/family of the deceased must be paid for the bodily injury or loss of life caused by an accident by use of a motor vehicle at a public place.

(iii) I am also of the view that over and above the settled legal position on the issue of compensation insofar as claims filed under Section 164 of the Act are concerned, in the facts of the present case, the MACT has appreciated the evidence on record and has come to a reasoned finding on the basis of FIR, spot panchanama, injury certificate, discharge card issued by Mhatre Hospital and permanent disability certificate issued in favour of the Respondent, which shows that the accident had taken place and the same had taken place on account of involvement of offending S.T. bus owned by the Appellant Corporation. All these evidences have been appreciated by the MACT and the same remained uncontroverted in the cross-examination which was led before the MACT thereby lending credence to the claim of compensation as made by the Respondent. I am also in agreement with the contention as canvassed by the learned counsel for the Respondent that the deposition of Dr.Sathe which proved that the Respondent had indeed sustained 20% permanent disability due to accidental injury remains uncontroverted and further the discharge summary also showed that the Respondent had sustained fracture to D-12 vertebra. All these evidences which have been appreciated by the MACT go to establish that the Respondent had indeed suffered injuries and hence the argument sought to be canvassed by the

learned counsel for the Appellant, that the nature of injury was not proved before the MACT requires to be rejected;

(iv) In my view, therefore, considering the settled legal position insofar as provisions of Section 164 of the Act are concerned, and on a holistic appreciation of the facts and evidence led before the MACT, it is crystal clear that the impugned judgment and award has been passed on a proper appreciation of the evidence and the facts of the case. I am further of the view that the amount awarded in the impugned judgment and award is just and not exorbitant, and is well within the parameters as stipulated under Section 164(1) of the Act, which stipulates that an amount of Rs.2,50,000/- has to be awarded to the claimant in case of grievous hurt. The findings of the MACT, therefore, do not warrant any interference by this Court.

9. Learned counsel for the Respondent has submitted that 40% of the amount awarded by the impugned judgment and award has been deposited by the Appellant in the MACT. The Respondent is at liberty to withdraw the aforesaid 40% amount along with accrued interest thereon from the date of application till realization. Further in respect of the balance amount of the compensation awarded by the MACT vide impugned judgment and award, the Appellant shall pay the said balance amount including NFL amount along with interest thereon @ 9% p.a from the date of filing of the claim till realization to the Respondent within three weeks from the date of uploading of this order.

10. The First Appeal is dismissed. No costs.

(AARTI SATHE, J.)