

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1227 OF 2025
WITH
INTERIM APPLICATION NO. 1086 OF 2026
IN
FIRST APPEAL NO. 1227 OF 2025

Divisional Controller, Maharashtra State Road Transport Corporation, Raigad ...Appellant

Versus

Mangesh Tukaram Boraje And Anr. ...Respondents

Mr. Manjeet Lotankar i/b Mr. Dhananjay D.Rananaware, for the Appellant.

None for the Respondents.

CORAM : R. M. JOSHI, J.

DATED : 25th FEBRUARY, 2026

PC:-

INTERIM APPLICATION NO. 1086 OF 2026

1. This application is for restoration of the First Appeal which came to be dismissed by order dated 27.06.2025
2. This Court has called upon the Learned Counsel for the Appellant to satisfy this Court with regard to merits of case to see whether there is any substance in the Appeal.
3. Learned Counsel for the Appellant submits that the Tribunal has failed to take into consideration negligence on the

part of the rider of the motorcycle in the occurrence of accident. It is his further submission that the Tribunal has granted compensation on higher side by taking notional income of the deceased @ Rs.8,000/- p.m., without there being evidence to hold so.

4. The impugned Judgment and Award indicates that accident had occurred on 15.07.2020 when deceased along with her son were proceeding on motorcycle bearing No. MH-08/AR-9782. When the motorcycle reached to the spot of the accident, State transport bus bearing registration No. MH-20/BL-2122 gave dash to the motorcycle. In the said accident deceased sustained serious injuries and succumbed thereto.

5. There is no dispute of the fact that the chargesheet has been filed against the driver of the bus. Admittedly, deceased was a pillion rider and therefore, cannot be said to be negligent in the occurrence of the accident in any manner whatsoever. Further, it is a choice of the claimant to file claim against joint tort lessors or any one of them.

6. In so far as the compensation and calculation thereof as granted by the Tribunal, the Tribunal has considered notional income of the deceased @ Rs.8,000/- p.m.. Considering the fact that deceased was aged 42 years, she must be contributing to the family atleast to this extent. The Tribunal has calculated the compensation amount by applying correct multiplier. This Court

therefore finds no substance in the Appeal and hence the same deserves to be dismissed at threshold. In the result, following order :-

- (i) Interim Application No. 1086 of 2026 stands allowed.
- (ii) Appeal stands restored.
- (iii) Appeal stands dismissed.

(R. M. JOSHI, J.)

VDMokal/-