MHMT010029252018

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| Presented on | 06.12.2018 |
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| Decided on | 20.11.2026 |
| Duration | 7-Y 11-M 14-D |
| Exhibit | : 53 |

# BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, MUMBAI
# MOTOR ACCIDENT CLAIM PETITION NO.2137 OF 2018
## (BEFORE M. G. DESHPANDE)

**Shri Gautam Arun Jha**
Age : 19 years, Residing at Room No.7,
Abdul Satar Chawl No.4,
Gaondevi Road Poisar, Kandivali (E),
Mumbai- 400 101. — **Claimant**

**Versus**

1 **Mr. Imran Abubakar Mansuri**
Room No.19, 3rd Floor, Madina Bldg.,
Parsi Galli- 61, Nizam Street,
Bhendi Bazar, Mandvi B.P. Lane,
Mumbai- 400 003. — **Opp. Party**

2 **Reliance General Insurance Co. Ltd.**
4th Floor, Chintamani Avenue,
Next to Virvani Industrial Estate,
Western Express Highway,
Goregaon (E), Mumbai- 400 063. — **Insurer**

**CLAIM :- COMPENSATION UNDER SEC.166 OF THE M.V. ACT.**

**Appearance :-**

Mr. B. R. Patil, Ld. Adv. for the Claimant.
Opposite party - Exparte.
Mrs. K. R. Trivedi, Ld. Adv. for the Insurance Company.

## JUDGMENT
## (Dt. November 20, 2026)

This is a claim under Section 166 of the Motor Vehicles Act, 1988 for compensation of Rs.50,00,000/- against the Opposite party and the Insurance company, on account of personal injuries and permanent disability sustained by the minor claimant. Opposite party is the owner of Motor Taxi No.MH-01-CR-4276 which was insured with the Insurance company.

2. At the time of accident the claimant was minor but during the pendency of the claim petition, he became major. Therefore, his next friend was discharged.

## CASE OF THE CLAIMANT

3. On 01.07.2018 at about 13.00 hrs. the claimant alongwith his friends was walking on N. S. Road, Kaivalydham Signal, Marine Drive with due care and caution. When the signal was on i.e. Green for pedestrians, he was crossing the road, one Motor Taxi No.MH-01-CR-4276 (for short 'the offending Taxi') suddenly came in a fast speed, rash, or negligent manner and dashed him. Due to the said impact, he fell down and sustained serious injuries. After the accident he was taken to Jaslok Hospital for medical treatment. He alleged that the accident was caused solely due to the negligent driving of the offending Taxi. At the time of accident, he was 16 year old student. With this, the claimant contended to allow the claim petition and compensate him.

4. The Opposite party - owner of the offending Taxi did not appear. Hence, the claim petition proceeded ex-parte against him.

5. The Insurance company filed their written statement (Exh.21) and strongly opposed the claim by raising various defences - That, the accident took place due to contributory negligence of the claimant, who was riding his Motorcycle without proper care, caution. Non compliance of mandates under Ss. 134 (c) and 156 (6) of the M. V. Act are also claimed for dismissal of the MACP. Thus, the Insurance company contended that they are not liable to pay any compensation and prayed to dismiss the claim petition.

6. Heard arguments of Ld. Advocates Mr. B.R. Patil for the claimant and Mrs. K.R. Trivedi for the Insurer at length. Additionally, Ld. Advocate for the claimant submitted his Synopsis of Argument at Exh.50. I carefully read the same.

7. Following Issues were framed at Exh.22. I am recording following findings thereon for the reasons discussed below:-

| | ISSUES | FINDINGS |
|---|---|---|
| 1 | Whether on 01.07.2018 at about 13.00 hrs., the accident took place due to rash and negligent driving of the Motor Taxi No.MH-01-CR-4276? | In the Affirmative |
| 2 | Whether the claimant sustained permanent disability due to the injuries suffered by him in the said accident? | In the Affirmative |

| ISSUES | FINDINGS |
|---|---|
| 3 Whether the claimant is entitled to get compensation? If yes, to what extent? | Yes, as per final order. |
| 4 What order ? | As per final order |

## REASONS

**ISSUE NO.1 :-**

## SUBSTANTIVE EVIDENCE

8. The claimant (CW1) has examined himself. He also examined Mangesh Bhiku Gosavi (CW2), working in Medical Record Department at Jaslok Hospital. It is necessary to refer documents relied on by the claimant :-

| | |
|---|---|
| **Exh.27** | Copy of FIR alongwith Statement |
| **Exh.28** | Copy of Spot Panchnama |
| **Exh.29 to Exh.35** | Educational Qualification Certificates and Aadhar Card of the claimant |
| **Exh.36 and Exh.46 colly.** | Discharge Summary issued by Jaslok Hospital |
| **Exh.37** | Disability Certificate issued by Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India |
| **Exh.38 colly.** | Original Hospital Papers, Medical Bills and Vouchers issued by Jaslok Hospital worth Rs.1,64,551.25/- |
| **Exh.47** | Attested copy of Final Bill |

9. The Insurance company did not lead evidence.

10. Before discussing the evidence, it is necessary to refer some Precedents and settled legal position. In the case of **Dr. Dattatray Laxman Shinde Vs. Nana Raghunath Hire and others (2013 ACJ 474)**, it is held that while appreciating evidence, Tribunal is not bound by strict rules of evidence. In **Bimaladevi Vs. Himachal Road Transport Corporation (AIR 2009 S.C. 2819)**, it is laid down that the Tribunal can draw inference of negligence on the basis of preponderance of the probability. In **Ashabai w/o Kalyan Kothi and others Vs. Baban s/o Santosh Bidgar and others [2016 (4) Mh.L.J.697]**, it is laid down that evidence of claimants is required to be examined in broader probabilities of their case, in order to achieve object of social welfare legislation. In **Smt. Vanita Wd/o Vilas Bele and others Vs. The Divisional Controller and another [DLD (Civil)- 2021 – 567],** the Hon'ble Bombay High Court has laid down that FIR is not an encyclopedia of events and in accident claim cases, negligence of the driver of offending vehicle has to be established by standard of preponderance of probabilities and nothing more. In **Ranjeet and another Vs. Abdul Kayam NEB and another in Civil Appeal arising out of SLP (C) No.10351/2019 decided on February 25, 2025**, the Hon'ble Supreme Court reiterated settled position of Law that once a charge-sheet has been filed and the driver has been held negligent, no further evidence is required to prove the negligence.

11. Thus, it is crystal clear from the above Ratio Decidendi that Police papers, namely, FIR and Spot Panchanama can be considered by this Tribunal in order to find out the negligence of

the driver of the offending vehicle. In the background of this settled legal position, it is necessary to examine whether occurrence of accident and negligence of the driver of offending Taxi is proved on preponderance of probabilities.

12. Claimant, in his substantive evidence specifically deposed the manner in which the accident occurred stating that the offending Taxi came in a high speed and dashed him. Being injured, he is the best person to state on the occurrence of the accident as the Insurance company has not examined the driver of the offending Taxi. Even if he (CW1) could not recollect the facts regarding the questions put to him in cross-examination, yet he has specifically answered in the cross-examination itself that he was crossing the road through Zebra-crossing. He specifically denied the suggestion that he was talking on Mobile Phone while crossing the road. Stepping ahead in the cross-examination, he specifically answered that he observed the Red Signal and when it became Green, he immediately started crossing the road. I am constrained to note that the theory of claimant's allegedly talking on Phone, is not a defence of the Insurance company pleaded in their written statement. In paragraph 20 of the cross-examination, he was asked from where the Taxi was coming at that time. He answered that he did not see any Taxi coming from the said road. Basically, his testimony clearly indicates that the Red Signal was changed into Green and only thereafter he started crossing the road through Zebra-crossing. When there is Green Signal for the pedestrians how the Taxi is expected to come to breach the said signal ? On

the contrary, such act on the part of the Taxi driver as suggested in the cross-examination clearly proves that it was the Taxi which tried to interrupt the way of pedestrians in utter disregard to the Green Signal given for them. Hence, there is no reason to disbelieve the substantive evidence of the claimant on occurrence of the accident.

13. FIR (Exh.27) was lodged by Rahul Mandal, a friend of the claimant, who was also accompanying the claimant at the time of incident. Even in his Statement (Exh.27), he has clearly stated the facts and circumstances of transaction leading to the occurrence of accident. Thus, the situation elaborated in the FIR alongwith Statement (Exh.27) fully corroborates the substantive evidence of the claimant. It is necessary to note that an FIR alongwith Statement (Exh.27) was lodged against the offending Taxi driver who was charge-sheeted and prosecuted for offences under Ss. 279, 338 of the IPC. Admittedly, neither the Taxi driver, nor the Opposite party nor even the Insurer has challenged the said prosecution. Therefore, law laid down by the Hon'ble Supreme Court in **Ranjit and another (Supra)** is squarely applicable to hold that the Taxi driver was solely negligent.

14. Exh.28 is the Spot Panchnama which was recorded on the same day. Situation recorded therein clearly indicates existence of the Zebra-crossing and the traffic signal at the spot of accident. Blood Stains are found on the spot. All this clearly proves the situation on the spot of accident truly represents facts

which are occasion, cause and effect, thus relevant under Sec.7 of the Indian Evidence Act. Therefore, it is proved on preponderance of probabilities that the situation recorded in the FIR with Statement (Exh.27) and Spot Panchnama (Exh.28) fully corroborates substantive evidence of the claimant (CW1).

15. The offending Taxi is a big vehicle in respect of pedestrians and a driver of such vehicle should be always vigilant, cautious and careful while driving it, so that there should not be any accident because of his driving. Even if it meets with an accident, the situation on the spot should not reflect his negligence. The claimant was crossing the road when met with an accident. It is also proved that the claimant was exercising his legitimate tried of crossing the road through Zebra-crossing when Green Signal was on for pedestrians. The offending Taxi had nothing to do to obstruct the way of pedestrians when it was prohibited by Red Signal. The claimant was minor at that time. Judicial Note can be taken that the Zebra-crossing in front of Kaivalyadham on Marine Drive, is a known spot of accident and many pedestrians have lost their lives. The Taxi driver must know this fact and should be very much vigilant, cautious and attentive, so that his vehicle should not dash any pedestrian who is crossing the road through Zebra-crossing. Therefore, much discussion is not required to hold that the Taxi driver was solely negligent and the only cause for the said accident wherein the claimant was seriously injured. Hence, **Issue No.1 is answered in the affirmative**

**ISSUES NO.2 & 3 :-**

**QUANTUM**

16. It is necessary to determine the quantum of the compensation. Substantive evidence of the claimant describes the manner in which the accident took place and the injuries sustained by him. He was immediately taken to Jaslok Hospital and admitted as an indoor patient from 01.07.2018 till 08.08.2018. He has filed Discharge Summary of Jaslok Hospital (Exh.36 and Exh.46). He was diagnosed as **'Diffuse Axonal Injury'** and treated for the same. This fact is evident from the medical papers of Jaslok Hospital. The Discharge Summary further clearly indicates that he was unconscious for few days.

17. The Medical Literature available in the Books (names are referred afterwords) available on the Internet describes "**Diffuse Axonal Injury' (DAI) as a serious form of Traumatic Brain Injury (TBI)** caused by sudden acceleration, deceleration or rotational forces acting on the brain, commonly during road traffic accidents. It is particularly significant in Motor Accident Claim cases because it can cause widespread damage to the nerve fibers (axons) connecting different parts of the brain. Unlike an ordinary localised brain injury, DAI may affect several areas of the brain simultaneously. Its consequences can range from temporary neurological disturbances to lifelong physical, cognitive and psychological disabilities".

18. The injured person having such disability may suffer from loss of memory particularly recent memory, reduced concentration and attention, difficulty in understanding and processing information, impaired judgment and decision making, slowness in thinking and responding, difficulty in planning and organizing activities, reduced learning and intellectual capacity. Even if such person can walk and perform ordinary physical activity, these cognitive impairments may substantially affect his ability to work. Additionally, such person may have speech and communication difficulties because of slurred and unclear speech, difficulty in finding appropriate words, difficulty in understanding spoken language. Also, such person may suffer from behavioural and Psychological consequences coupled with Neurological consequences. Basically, "**Diffuse Axonal Injury' (DAI)** can result in permanent functional disability.

19. In his substantive evidence, with other consequences, the claimant has deposed how he is unable to concentrate on day to day activities and studies. He has also clearly stated how he cannot remember indicating loss of memory. Exh.37 is the Disability Certificate issued by Medical Authority i.e. Competent Board of three expert Doctors constituted under 'Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India'. This Board has certified the case of the claimant to their satisfaction as follows :-

A He is a case of **Locomotor Disability**

B The diagnosis in his case is **RIGHT HEMIPARESIS**

C He has **40%** (in figure) **Forty** percent (in words) Permanent Disability in relation to his Brain as per the guidelines (Guidelines for the purpose of assessing the extent of specified disability in a person included under RPwD Act, 2016 notified by Government of India vide S.O. 76(E) dated 04.01.2018)

20. Exh.29 is the SSC Examination Admission Card of the claimant for the Examination of March 2018. Exh.30 is the Mark-sheet of the claimant which he has secured in the said SSC Board Examination i.e. March 2018. It proves that he secured total 376 Marks out of 500 and the percentage thereof is **75.20**. This itself proves that prior to the date of accident i.e. 01.07.2018 the claimant was a brilliant and meritorious student.

21. Exh.31 is the Certificate issued by Educational Board of IT Training and Research certifying the claimant that he had participated and successfully cleared Skill India Knowledge Test with **Grade-A**. This Certificate is dt. 05.02.2017 i.e. prior to the date of accident.

22. Exh.32 is a Certificate dt. 06.10.2015 issued by Shree Swami Vivekanandji Vichar Chaturangini, Kandivali, Mumbai certifying and declaring the claimant as **'Yuva Chetna Shakti ka Pratik'**.

23. Exh.33 is the Certificate of Achievement regarding the **Merit (75.20%)** secured by the claimant in 10th Board Examination. It is necessary to note that this Certificate was issued on **30.06.2018** and the very next day i.e. **01.07.2018** the claimant met with an accident and became victim of cruel destiny.

24. Exh.34 is **कल अहवाल - कल चाचणी 2018** issued by the School Education Department, Government of Maharashtra – SSC Board Pune when the claimant undergone the test prescribed for the same.

25. All these documents clearly prove on preponderance of probabilities that the claimant was a brilliant, meritorious and very active student having bright future and potential to achieve the same. But one unfortunate day the cruel destiny ruined his all dreams and made him permanently disabled with Locomotor Disability. The Competent Authority vide Disability Certificate (Exh.37) diagnosed the claimant as **"A case of Locomotor Disability having right hemiparesis 40% permanent locomotor disability in relation to his brain"**.

26. Medical Literature and Authoritative Books available on Internet are - (i) Braddom's Physical Medicine and Rehabilitation, (ii) DeLisa's Physical Medicine and Rehabilitation: Principles and Practice, (iii) MSD Manual – Professional Edition. This Literature clearly refers that the injuries sustained by the claimant can have a substantial effect

on earning capacity, even though the certified physical disability is 40%. Permanent recovery cannot be guaranteed even if the Neurological injury is mild. The brain controls movements of the opposite side of the body. Therefore, damage to the left cerebral hemisphere or its motor pathways can result in right sided hemiparesis. It is a significant brain related motor impairment which has actual impact on livelihood and independence.

27. On the basis of the diagnosis certified by the Competent Authority vide Disability Certificate (Exh.37), the following general medical conclusion can be drawn :-

> Right hemiparesis resulting in 40% permanent locomotor disability in relation to the brain represents a significant neurological impairment. It can effect the motor functions of the right upper and lower limbs, resulting in weakness, impaired coordination, restricted mobility difficulty in walking, reduced grip strength and limitations in performing activities of daily living. Depending upon the severity of the neurological damage, the patient may experience persistent gait abnormalities, muscle stiffness, spasticity and loss of functional independence. Such impairment may adversely affect the patient's ability to continue his previous occupation and earn his livelihood. Although rehabilitation may produce functional improvement, complete neurological recovery cannot be presumed, and residual disability may persist throughout life.

28. Here in the present case, the claimant was a meritorious, brilliant student who had secured 75.20% marks. He was also

very active in extra-curricular activities related to IQ, which is evident from various Certificates. The day before the date of accident i.e. on 30.06.2018, he was awarded a Special Certificate for Outstanding Achievement in his 10th Board Examination. Had there been no unfortunate accident in his life, he would have achieved remarkable success in 12th Examination with the same vigor and could have taken higher education in the Branches like Medical, Engineering, I.T., C.A. etc. as per his choice. All this clearly proves that he was aspiring student having a very good potential to make his bright career. Unfortunately, from the date of accident, poverty prevailed on his family which initially made them difficult to meet the treatment expenses and continue the same. He had to stop his education. He is suffering from memory loss and this fact is evident from his evidence itself. When Ld. Advocate for the Insurer tried to fetch him by asking particulars and details at the time of occurrence of the accident, he has fairly deposed his inability to state the same for want of remembrance.

29. In the aforesaid premises, I strongly feel that when the claimant was assessed for certifying his disability, all these aspects were not considered. The doctors in the Panel of Competent Authority appear to have determined it on the basis of Formula mentioned in Exh.47 and his physical condition. It is only the claimant and his father who know well that his entire career has been lost as he could not take his future education nor his health is permitting to do so. In this way, this meritorious student lost his all avenues in the life. Such person

when approaches for gaining any employment, the employer first of all looks into the educational qualification. Secondly, the ability to perform bodily - physical work. But the experience is that due to permanent disablement the people like claimant cannot get any satisfactory good employment which can assist their survival. Generally, in the normal families, bread-winner brings up the children and after achieving the career goal by them, they become support for their parents. Here in the case, the father of the claimant had to leave his job and now for his remaining life he will have to struggle and devote for taking care of his son. This is a dark truth which the claimant has to face throughout his life. Certainly, the disability determined by the Authority is one of the aspects of the medical case of the claimant which according to me, is missing this reality of life. Consequence of all this is that, the blooming good career of the claimant came to zero due to this unfortunate accident. What frustration and mental pain he must have been going through, cannot be imagined, determined, assessed or compensated in terms of monies.

30. The claimant is suffering from memory loss. He is forgetful, which is evident from his cross-examination. Certainly, no one can give him any job – employment related to memory. Due to right hemiparesis, his body is also not supporting him for any physical work and earn for survival. He is dependent on the aid and help of his father, who has to do something for their survival. In such situation, can a meritorious student like the claimant who has lost all his career, opportunities, future

avenues, hope of employment and marriage avenues, be held suffering from 40% permanent disability? Certainly not. In fact his disability has to be considered as **Permanent Functional Disability of 80%**, affecting his entire life, capacities and future.

31. The claimant has clearly deposed that when he met with an accident, he was brilliant in studies and very active student. Due to this accident, he could not attend his college/school for further studies. Presently, he is very weak in memories and cannot remember anything. Because of this unfortunate accident, his whole career has ruined. He has lost education, career and also the hope of marriage and the marital life. His father was earning Rs.16,000/- per month when the accident took place but from the date of his accident, he (his father) is taking his care due to which he lost his job. It is unfortunate that during the cross-examination, the claimant was asked to show the Resignation Letter of his father. A person who was earning Rs.15,000/- per month for the survival of his family an produce such letter and maintain record of his service? Therefore, such cross-examination has absolutely no bearing on the merit of claim. It is proved on preponderance of probabilities that the claimant and his family suffered a big financial loss. This substantive evidence of the claimant cannot be disbelieved. On the contrary, it needs realistic, sympathetic and genuine approach.

32. The Hon'ble Supreme Court has repeatedly laid down and also referred in paragraph 15 in the case of **Jithendran Vs.**

**New India Assurance Co. Ltd. and another [2021 ACJ 2736 (SC)]** by further referring therein the case of **Pappu Deo Yadav Vs. Naresh Kumar [2020 ACJ 2695(SC)]** and held that Courts should not adopt a stereotypical or myopic approach, but instead, view the matter taking into account the realities of life, both in the assessment of the extent of disabilities and compensation under various heads.

33. Claims involving children and students require a particularly careful and realistic assessment. Relevant factors include:

- age;
- nature and extent of disability;
- effect upon education;
- future earning capacity;
- medical treatment;
- future medical requirements;
- attendant care;
- rehabilitation;
- loss of amenities;
- disfigurement; and
- the long-term impact upon the child's personal and professional life.

34. Admittedly, being student passed 10$^{th}$ Std. in a hope of future higher studies, it is not expected that the claimant had independent income. Considering the current scenario and aspect of inflation, the notional income of the claimant has to be considered to Rs.20,000/- per month as argued by the Ld. Adv. Mr. B. R. Patil on the basis of Law laid down by the Hon'ble Supreme Court in the case of **Kajal Vs. Jagdish Chand and others [2020 ACJ 1042 (SC)]**, **Raj Kumar Vs. Ajay Kumar [(2011) 1**

**SCC 304]**, **Jithendran (Supra)** and **Pappu Deo Yadav (Supra)**. I have already referred above how the claimant was hardly 16 year old 10th Std. Passed a meritorious aspiring to pursuit various future educational career, avenues but now leaving in dark, struggling for his survival and likely to continue the same throughout the life. Certainly, his monthly income has to be considered to **Rs.20,000/-**.

35. His date of birth mentioned in the SSC Examination Admission Card (Exh.29), Aadhar Card (Exh.35) and Disability Certificate issued by Medical Authority (Exh.37) as 16.04.2002. Considering his birth date being 16.04.2002, his age on the date of accident i.e. 01.07.2018 comes to **16 Years, 2 month, 15 days**.

36. I have already noted above, notional per month income of the claimant has to be considered **Rs.20,000/-**. Thus, his annual income comes to **Rs.2,40,000/-**. Therefore, as per the law laid down by the Hon'ble Supreme Court in the Case of **National Insurance Company Limited Vs. Pranay Sethi and Others [2017 (4) T.A.C. 673 (S.C.)]**, **40%** have to be added for future prospects and '**18**' would be the multiplier. Hence, it can be calculated as follows :

| | |
|---|---|
| Annual income (Rs.20,000 x 12 = Rs.2,40,000 + 40% Future Prospects = (Rs.2,40,000 + Rs.96,000) | Rs.3,36,000/- |
| Disability 80% i.e. Rs.3,36,000/- X 80% | Rs.2,68,800/- |
| Multiplier '18' – Rs.2,68,800/- X 18 | Rs.48,38,400/- |

Thus, the claimant is entitled **Rs.48,38,400/-** under the head of disability.

37. The claimant has filed original Hospital Papers, Medical Bills and Vouchers issued by Jaslok Hospital worth Rs.5,19,234/- (Exh.47 colly.). Thus, he is entitled to get **Rs.5,19,234/-** under the head of medical treatment.

38. Considering the injuries sustained by the claimant, he must have undergone immense pain and suffering. Therefore, the claimant is entitled to **Rs.5,00,000/-** for pain and suffering. Considering the age and the injuries sustained by the claimant, in my opinion, an amount of **Rs.5,00,000/-** would be reasonable for loss of amenities of life.

39. According to the claimant, he spent Rs.1,00,000/- for conveyance and Rs.1,00,000/- towards special diet. The place of resident of the claimant is Kandivali, whereas Jaslok Hospital where he was admitted, is situated at 25 km – 30 km from his residence. He was admitted in Jaslok Hospital for one month and eight days. From this perspective whatever claimed by him i.e. Rs.1,00,000/- for conveyance is just. However, in my view, he is entitled to get Rs.50,000/- for special diet. Thus, he is entitled to get **Rs.1,00,000/-** under the head of conveyance and **Rs.50,000/-** for special diet.

40. Considering the nature of injury and condition of the claimant, certainly the service of attendant was/is inevitable.

Basically, he belongs to a poor family. His father, who had a small job having salary of Rs.15,000/- per month, had to leave it to nurse and take care of the claimant. He has to carry his burden throughout his life. Certainly, whatever he has done for the claimant itself is nothing but the service of attendant. Therefore, in my opinion, he is entitled to **Rs.1,00,000/-** for attendant charges.

41. I have already noted above, a meritorious aspiring student became burden on his family due to permanent disablement and brain injury. There is no hope of marriage of the claimant. Therefore, he is entitled to **Rs.3,00,000/-** under the head of loss of marriage prospects.

42. Even if there is no proof, the illness and disablement of the claimant certainly requires future medical treatment, assistance and that aspect has to be secured. In my opinion, he is entitled to **Rs.3,00,000/-** for future medical treatment.

43. Hence, the total compensation can be determined as follows :

| | HEADS | CALCULATIONS |
|---|---|---|
| 1 | Disability | Rs.48,38,400/- |
| 2 | Medical Bills | Rs.5,19,234/- |
| 3 | Pain and Suffering | Rs.5,00,000/- |
| 4 | Loss of amenities of life | Rs.5,00,000/- |
| 5 | Special diet | Rs.50,000/- |

| | | |
|---|---|---|
| 6 | Conveyance | Rs.1,00,000/- |
| 7 | Attendant charges | Rs.1,00,000/- |
| 8 | Loss of marriage prospects | Rs.3,00,000/- |
| 9 | Future Medical Treatment | Rs.3,00,000/- |
| | **Total Compensation** | **Rs.72,07,634/-** |

Thus, the claimant is entitled to the total compensation of **Rs.72,07,634/-**. Hence, this much compensation is 'just and fair'.

44. Existence of policy, its period of validity covering the date of accident, is an admitted fact need not be proved as per Sec.58 r.w. Sec.17 of the Indian Evidence Act. Already, an Order U/s. 140 of the M.V. Act is in favour of the claimant which has not been challenged by the Insurance company. Therefore, Insurance company is under obligation to compensate the claimant, since they have not led any evidence.

45. Considering the current trend of Nationalized Banks in awarding interest, I am of the opinion that an interest @ 7.5% per annum would be sufficient from the date of filing of the petition until the realization of the compensation amount.

46. In view of law laid down by the Hon'ble Supreme Court in the case of **Parminder Singh Vs. Honey Goyal and others [(2025) 9 SCC 539]**, the claimant has filed Bank Details of his own Account vide Exh.51 and Exh.52.

47. **The Insurance company and their Ld. Advocate Mrs. K. R. Trivedi shall note that the payment of compensation should be directly deposited in the account of the claimant and not in the account of MACT Mumbai**. Hence, **Issue No.4 is answered accordingly**. With this, following order is passed :-

**ORDER**

**(i)** MACP No.2137 of 2018 is allowed with costs.

**(ii)** Within 4 weeks, the Opposite Party and the Insurance company shall jointly and severally pay a sum of **Rs.72,07,634/- [Rupees Seventy-Two Lakh Seven Thousand Six Hundred Thirty-Four only]** inclusive of the NFL amount, if any, to the claimant with an interest @ 7.5% per annum from the date of filing of the claim petition until its actual realization, by **directly depositing it in the following Account as per Exh.51 and Exh.52 as follows :-**

| Name of the Account Holder | Bank name with Branch | Account No. | IFSC Code |
|---|---|---|---|
| Mr. Gautam Arun Jha | Indian Overseas Bank, Nariman Point, Mumbai | 062501000107972 | IOBA0000625 |

**(iii)** The Insurance company and their Ld. Advocate on record Mrs. K. R. Trivedi shall note that the **payment of compensation should be directly deposited in the above Account of the claimant and not in the Account of MACT Mumbai**.

**(iv)** The claimant shall pay deficit Court fee, if any.

**(v)** Award be drawn accordingly.

MADHAV GOPAL DESHPANDE

Digitally signed by MADHAV GOPAL DESHPANDE
Date: 2026.11.21 13:08:01 +0530

(**M.G. Deshpande**)
Member, C.R. No.2
MACT, Mumbai

Date : 20.11.2026

*ms**