BEFORE MOTOR ACCIDENT CLAIM TRIBUNAL PUNE AT PUNE j Claim Application No. 3443 /   
2022. 1, Smt. Pratima Sagar Deshpande ‘Age: 46 Years, Occupation: Service 2, Master Manas Sagar Deshpande ‘Age: 17 Years, Occupation: Education Being minor through his Natural Guardian Mother Smt. Pratima Sagar Deshpande, the Applicant No. 1 Veep vss Age: 22 Years, Occupation: Education 4, Mrs. Seema Janardan Deshpande ‘Age: 74 Years, Occupation: Household   
5. Mr. Janardan Madhav Deshpande etired All Rat: Plot no. 58, Sector no. 27, Near Age : 82 Years, Occupatior Dhanwantari Hospital Pradhikaran, } } } } 3 3 } J J   
3. Mr. Nachiket Sagar Deshpande } 3 } 3 3 } } } J 3 Nigdi, Pune ~ 411044 5) Applicants, VIS eae.   
1. Balaji Transport Company ‘Through Prop. Bhushan L. Wadwani Age - Adult, Occupation ~ Business a. Permanent Address; 10/B, Wing, ‘Aziz Baug Mahul Road, Chembur, Mumbai; 400074 b. Temporary Address; Chandmari, Kohima 797001, State of Nagaland Registered Owner of Tanker No. NL-01-N-9124 Notice be issued on both addresses 2, Bajaj Allianz General Insurance Co. Ltd. Having its Head & Pune Office; Bajaj Allianz House Airport Road, Yerwada Pune ~ 411006 Insurer of Tanker No. NL-O1-N-9124 Policy No. OG-22-4538-1803-00000044 for the Period from 19/5/2021 to 18/5/2022 Opponents Claim Amount; Rs, 25,00,00,000/- In Words Rs. Twenty Five Crores Only Under Section 166 of Motor Vehicles Act. To ‘The Hon’ble Member, Motor A lent Claim Tribunal, Pune - 411   
005. We, applicants above named, do hereby apply for grask of compensation for death of Mr. Sagar Janardan Deshpande|in a Motor Vehicle Accident took place on 09/05/2022 at about   
11.20 A.M. Necessary particulars in respect of the Accident, Vehicle, Death ete. are given below; ‘Name & Father's Name of the: deceased Full address of the deceased ‘Age of the deceased Occupation of the deceased Name & Address of the employer Income of the deceased Does person in respect of whom compensation is claimed pay income tax, if 80, to be supported by the 2 SI Years Mr. Sagar Janardan Deshpande : Sector no. 27, Plot |no. 58, Dhanwantari Hospital Pradhikaran, Nigadij Pune; 411044, (Date of birth ~ 11/05/1970) Professional; Classifi Auditor / Consultant NA, + Rs. 1,40,00,000/-per year. : Yes. The documents in that behalf have been filed! along, with this Claim Applicption. documentary evidence. Place, Date and time of the accident Name & address of the Police station under whose jurisdiction the accident took place. Was person in respect of whom compensation is claimed, traveling by the vehicle involved in the accident if so, state the place of the starting of journey and its destination. Nature of injuries sustained : Place: On Mumbai Pune Express Highway (On the lane going to Pune), Near KM Mark 39/00, Opposite to Apcon Company, near lage Khopoli, within limits of Khopoli Police Station, District — Raigad. Date : 09/05/2022 Time: At about   
11.20 A. M. Khopoli Police Station, District ~ Raigad, offence is registered under C.R. No 135/2022; U/s 279, 337, 338 304(A) of IPC and 184 of M. V. Act. Yes, the deceased was one of the occupants of the Hyundai Accent Car bearing no. MH = 01 C) - 5446 & was proceeding from Mumbai to Pune direction by Mumbai - Pune Expressway. : Severe Multiple Injuries & 12.   
13. BA   
14.   
15. in the accident Name & address of the Medical Officer / Practitioner, if Any, who a attended on the deceased. Period of treatment and expenditure if any incurred Nature of injuries, whether it caused permanent disablement Registration No. and type of the vehicle involved in the accident. Name and address of the owner of the vehicle involved in accident + Not Applicable : Not Applicable died on the spot due fo the accidental injuries. + Medical Officer of Khopoli Municipality Hospital, Khopoli. Gas Tanker bearing n NL-O1-N 9124 Hyundai Accent Car bearing, no. MH ~ 01 - CJ -   
5446. Owner of Gas Tanker- Balaji Transport Company a. 10/B wing, Sita | Estate, ‘Aziz Baug, Mahu} Road, Chembur, Mumbai -   
400074. b. Chandmari, ‘ohima 797001, State! of Nagaland. 16.   
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18.   
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22. Name and address of insured of the vehicles involved in accident and policy number & period Has any claim been lodged With the owner/insurer & if so, state the result, Name & address of applicants Relationship with the Deceased person of the Applicant Amount of compensation Claimed Title to the property of the deceased : For Gas Tanker; Bajaj Allianz General Insurance Co. Ltd Bajaj Allianz House, Airport Road, Yerwada, Pune   
411006. Policy No. (0G-22-4538-1803-00000044 for the Period from 19/5/2021 to 18/5/  
2022. No. ‘As stated in the title of the Application, Applicant No. 1 - Wife Applicant No. 2 - Minor Son. Applicant No. 3 - Son Applicant No. 4 - Mother Applicant No. 5 ~ Father £ Rs. 25,00,00,000/- (In words Rs. Twenty Five Crores Only) ‘Not Applicable Any other information that may be necessary or helpful in the disposal of in the claim application is as under: On 9/5/2022 at about   
11.20 A. M. on Mumbai Pune Express Highway (On the lane going to Pune), Near KM Mark 39/00, Opposite Apcon Company, Near Village Khopoli, within accident took place in the following manner; Dy 's of Khopoli Police Station, District ~ Raigad, the The Applicants submit that, on the day & material tie of the accident, i.e. 09/05/2022, deceased & his colleague Mr. Yogesh Singh were retuming their homes at Pune |from Mumbai Airport. They were returning from South Africa, after finishing their official tour. They were travelling] by a Hyundai Accent Car bearing no. MH - 01 CJ ~ 5446 as a passenger. The impugned Hyundai Accent Car was proceeding towards Pune Direction in slow and a moderate speed & by correct lane going towards Pune by Mumbai Pune Express Way, by observing all traffic rules & regulations. When the Hyundai accent Car came neqr the spot of accident, at that time, one Gas Tanker bearing no. NL-OI-N 9124 was proceeding from Pune to Mumbai direction on the said Mumbai Pune Expressway. The said Gas Tanker was proceeding towards Mumbai direction in a very high & excessive speed and in a rash & negligent manner without overserving the rules & regulations of traffic. Because of the high and excessive speed & the rash & negligent driving, the Gas Tanker driver failed to control his tanker & the said Tanker suddenly came on right side of wrong side by breaking the road divider af very b) high speed & came on the lane going towards Pune & heavily dashed to Hyundai Accent Car which was proceeding towards Pune Direction from correct lane. Because of the said dash deceased & other occupants of the Car & the Car Driver sustained severe multiple injuries & they died due to the accidental injuries. The said offending Gas Tanker also dashed other vehicles which were proceeding towards Pune direction on Pune Lane. The said dash was so severe & grave that, all occupants of the said car died on the spot & the said Hyundai Car totally damaged in the said accident. The applicants submit that, the accident occurred due to absolute rash and negligent driving on the part of the Tanker driver. The said driver was driving his vehicle without observing traffic rules and regulations and the accident took place because of his rash & negligent driving. The applicants submit that, the fact of the accident and police papers clearly shows that, the said accident took place because of the rash and negligent driving of the Tanker Driver. ‘The accident taken place on Mumbai-Pune Express Way. The Gas tanker was proceeding from Pune to Mumbai direction, The Speed of the Gas Tanker was very fast & uncontrollable. As a result, the Tanker Driver lost his control over the Tanker and suddenly turned towards his right side i.e. wrong side, of the road. The fact of the accident clearly shows that, the Tanker was proceeding in a high & excéssive speed & rash & negligent manner, and came on the wrong lane. The principle of res ipsa locutor is applicable to piesent case. ©) The applicants submit that, immediately after the accident the incident was reported to khopoli Police Station, District Raigad and the offence was registered against the| Gas ‘Tanker Driver, under FIR No. 135/202 and prosecuted under section 279, 337, 338, 304(A) of IPC and 184 of M. V. Act. The investigating officer of the said Police Station visited the spot of accident and drew the Panchanama and recorded the statements of the witnesses & prepared the other relevant documents. After investigation, | the investigating officer comes to the conclusion that, the|said accident took place because of rash & negligent dri the Tanker Driver. Therefore, the charge sheet is filed against the Tanker Driver, The said Criminal Case is pending before MFC, Khalapur. 4) The applicants most respectfully, submit that, the age of the deceased was SI years at the time of accident. The date of birth is 11/05/  
1970. The deceased was a very bright stuflent in his education as he had completed & obtained) his Engineering Degree in Instrumentation Faculty. He was MBA student & passed his post graduate degree into First Class from Pune University. The deceased also had outstanding achievements throughout his career. Academically, he was very bright. He has obtained many certificates from well known & reputed Institutions. He had completed QMS Lead Assessor Training Course Conducted by International Auditor and Training Certification Association (ATCA) in the year 2004 and also completed IEMA Approved Advanced EMS Auditor Course conducted by TQM Intemational Pvt. Ltd,, in the year   
2005. The Applicants submits that, at the material time of the accident, the deceased was working as Classified Auditor & running his proprietary firm under the name & style “ABS Certification”. The deceased was the only Certified Auditor of IEMA by TQM Intemational Pvt. Ltd. & Intemational Auditor and Training Certification Association (ATCA), of TOV AUSTRIA Hellas LTD. The Annual turover of ABS Certification was around Rs. 5,00,00,000/-. The net income of the deceased as a Proprietor of ABS Certifications was around Rs. 1,40,00,000/- (Rs. One Crore Forty Lakh Only) per year. The documents pertaining to the Income of the deceased at the material time of the accident are filed along, with this claim application. All documents are certified by the Chartered Accountant of the deceased who was looking after the accounts of the deceased. His accounts are audited DY g) The applicants submit that, the deceased was by the reputed chartered accountants by paying reqtisite Income Tax, every year. At the age of 50 years, the deceased achieved such a seale of earings, due to his optimum performance ii profession, The Applicants strongly apprehend that, income and business of the deceased would have achi double the income without any doubt. extraordinary & unique professional and had achieved m: goals in his career & certainly have had a very bright fu ahead. ture h) The Applicants most respectfully submit that, TUV i) AUSTRIA Hellas LTD, which is complete daugl company of TUV AUSTRIA, having established lawfully operating from Greece (having its registered of at 429, Mesogeion Ave. GR-153 43, VAT Nr. 095574110, Tax Office: Ag. Paraskevi, Athens Greece), appointed the Deceased as its Cooperation-Partner to | after all affairs & business within the territory of INDIA. ‘The business of TOV AUSTRIA Hellas LTD, is mai er ind ice EL had jk ys certification of management systems and products, third d party inspections of products, training and certification of persons. The business activities of TUV AUSTRIA Hellas LTD are asunder; iti, Auditing of food safety management systems including GFSI standards such as: ISO 22000, HACCP, FSSC 22000, FSSC 22000 Packaging, IFS, IFS logistics, IFS Broker, IFS PAC SECURE, BRC, BRC IOP, etc. Primary Production food standards such as: GLOBAL. G.A.P. for fresh fruits and vegetables, aquaculture, chain of custody, Supplier Audits (Is and 2nd party audits), ec. Other Standards in Information Security such as: ISO 21001 for Information Security Management Systems, 1S 22301 for Business Continuity, CAAP for Cloud Security Certification, ISO\_39001 for Road Safety Management Systems, ISO 22716 for Cosmetic Good Manufacturing Practices, etc. k) The Applicants submits that, the ABS Certification was the ‘Co-operation partner of TUV AUSTRIA Hellas LTD. The scope of Co-operation Partner's was auditing & inspection for management systems and products certification and providing training services to the entire Indian Market. The “ABS Certification” was the exclusive partner of TUV. Being having exclusivity in this field of certification of ‘management systems and products, third party inspections of products, training and certification of persons certification, the business/ profession of the deceased was unique.) The deceased was the only person within the territory of India, as a classified auditor. The Applicants most respectfully submit that, the decgased was very kin, serious & upright with his work. Being satisfied with the work of the deceased, the TUV AUSTRIA Hellas LTD assigned another territory to ABS Certification in addition to India. The Company added ‘Tanzania, Africa’ ‘as the extended territory having same scope of work. This extension and assigning additional responsibility explaih the satisfactory work of the deceased. Needless to say, the TUV AUSTRIA Hellas LTD was very happy & contended |with the work of the deceased, m) The Applicants submit that, the deceased was at the peak of his profession. The scope of work & its exclusivity, hard work, dedication, resulted into achievement of utmost level of glory, success, fame and charisma in the Indian Market. The deceased could have set & achieved some more benchmarks in future. The deceased was the only class}fied auditor in the field of Process Certification in India, The early & sudden death of the deceased, caused irreparable damage to the applicants. The Applicants are therefore entitled for the prospective income of the deceased considering his extraordinary success & accomplishments. 1) The applicants submit that, the deceased used to spend entire amount of his earings at home. The applicants were totally dependent upon the income of the deceased. The applicants have lost their breadwinner. The applicants submit that, no ‘one Jeft behind who is capable to earn in the family. In the circumstances the applicants” are entitled for the entire compensation as claimed. 0) The applicants submit that, considering the educational qualification and the experience, the deccased would have certainly reached at a higher and excellent post in his profession, in the near future. The deceased must have received very handsome & fantastic amount in future. At the time of accident, the age of the deceased was 51 years. Therefore, the deceased could have worked in the industry at least another 25 years. The deceased could have received very handsome eamings from his profession in the future, more than what he was getting at the time of his death. Considering these factors, the applicants have suffered severe huge loss. ) The applicants most respectfully submit that, the dectased was the only earning member in the family of the appl|cant. As stated herein above, he was heal and hearty. He could have lived his full span of life, tll the age of 85 10 90 fears and therefore, could have maintained the applicant at least for another 25 years. It is respectfully submitted | that, because of the pre-mature and accidental death of the deceased, the applicants have suffered a tremendous shock and also suffered a set back in their life. The applicants submit that, the deceased was the loving husband of the Applicant no. 1 and loving father of Applicant no. 2 (Mater Manas; DOB 13" July 2005) & 3 & loving son of Applicant No. 4 and   
5. It is submitted that because of the sudden and pre-mature death of the deceased, the applicant have sufllered a serious set back in their life, which can not be cured. Because of the sudden and premature and accidental death of the deceased, the applicants lost their best support during, their entire life time. The applicants are therefore entitled to receive an amount of compensation under the head of logs of consortium, 4) The applicant most respectfully submits that, as stated herein above, the deceased was earning above said amount as a net income from his Profession. It is also contended herein above that out of the said amount, the deceased was paying, substantial amount per month to the applicants to meet the day-to-day household expenses and also the expenses which are required to maintain the luxurious life of the applicants The applicants submit that, the deceased was ing the above amount to the applicants in order to maintain their standard of living and or their status in the society. Due to high qualification and successful professional, the deceased was having his own higher status in the society. ‘The applicant used to maintain his standard of living along with the applicants. All the modem facilities with modern equipments have been provided to the applicants in their present residential house by the deceased. The applicants were also having their independent status and own standard of living in the society. Because of the accidental and pre- matured death of the deceased, the applicants are now deprived of the many facilities during their life and therefore, the applicants had suffered @ heavy set back in their life. It is further submitted that because of the accidental death, the applicants would not be in a position to maintain the standard of living and their own status in their life. 1t is further submitted that, the said loss now cannot be ‘compensated in terms of money. Therefore, the amount so claimed is very moderate as compared to the life of the applicants. Dy ‘The applicants submit that, for all these reasor the applicant has claimed an amount of Rs. 25,00,00,000/- (In words Rs. Twenty Five Crores Only) as and by way of compensation under the heads, which are permissibld under the Motor Vehicle Act. Thus, amount claimed applicants is very just and moderately assessed. the 3) The applicants most respectfully submit that, the daver of » the Gas Tanker was driving the Tanker bearing No. NL-O1- N-9124 under the employment & for the benefit] of the Opponent No.  
1. The said Tanker bearing No. NL-O1- was owned by the Opponent No. 1 at the time of af Hence the Opponent No.1 is primarily and vicarious 9124 cident. liable to pay compensation to the applicants. The Gas Tanker was insured with opponent no. 2 under the insurance Policy No. (0G-22-4538-1803-00000044 for the Period 19/5) 1815/2022, which covers the date of accident. The 1021 to Policy ‘was valid on the date of the accident. As per the terms and conditions of the policy opponent no. 2 is statutorily Jiable to pay compensation to the applicants. Hence all the opponents are jointly and severally liable to pay compensation to the applicants. | The applicants are residing at Nigadi, Pune, win the jurisdiction of this Hon'ble Tribunal and there! i wre this Hon'ble Tribunal has got jurisdiction to try and entertain and decide the present application. u) The applicants therefore pray that: - a) The applicant be awarded an amount of Rs. 25,00,00,000/- (Rupees Twenty-Five Crores Only) by way of compensation from the opponents. b) The applicant be awarded an interest at the rate of 15% p.a. from the date of the applicant till the realisation of the amount from the opponents ©) The applicant be awarded the cost of the application from the opponents, 4) That the Hon'ble court may pass such other orders, which are just and equitable in the interest of justice. Applicant No. 1 for herself and for Applicant no.  
2. Applicant No.   
3. Applicant No. 4 Applicant Nb. 5 Place : - Pune | Date :- 22™ July 2022 | Advocate for the Applicants Bhushan M. Shalukar (Advocate) VERIFICATION We, Smt. Pratima Sagar Deshpande, Master Manas Sagar Deshpande through his natural guardian mother Smt. Pratima Deshpande, Mr. Nachiket Sagar Deshpande, Mrs. Scema Jan: Deshpande & Mr. Janardan Madhav Deshpande, the applicants herein do hereby on solemn affirmation that, no claim in respect of the above mentioned accident has been claimed by us or is pendi, before any other forum, and the contents ofthis application are tre and correct to the best of our knowledge, belief and information and in witnessth whereof, we have signed this application at Pune on the date mentioned herein above. Applicant No. 1 for herself and for Applicant no. 20 Applicant No.   
3. Applicant No.   
4. Applicant No.   
5.