

**The court of Additional District Judge-1st-cum-
Motor Accident Claim Tribunal, Gaya**

M.A.C. Case No. 201/2017

Asha Devi & others

V/s

S.B.I. General Insurance Co. Ltd. and others

30.10.2021 The petition was filed u/s 140 of M.V. Act on behalf of the applicants Asha Devi @ others for the grant of ad-interim compensation of Rs. 50,000/- on account of the death of Satyendra Choudhary who died in a Motor Vehicle accident, put up the record and moved today.

Brief facts of the case is that the informant, Manoj Choudhary, S/o Late Nathun Choudhary R/o-vill+Po-Laxmipur, P.S.-Belaganj, Distt.-Gaya (Bihar) gave a statement to P.S. in-charge Konch, that on dated 15.09.2017 at about 10-11 P.M. at night, his son Satyendra Choudhary age about 30 years was coming to Deura P.S. Goh along with his cousin brother Pintu Choudhary, S/o- Jawahar Choudhary and as he reached near Brahmasthan village-Manjhati, a bolero bearing registration no. JH 01BG 6232 came with opposite direction with rash and negligent driving from Gaya side and hit badly to an auto bearing registration No. BR 02PA 0877 on main road and later on, the said bolero driver also hit badly to the said motor-cycle bearing no. BR 02 0557 which was being driven by his son Satyendra Choudhary who died on spot.

Ld. Counsel for the applicants have filed C.C. of F.I.R. Konch P.S., Photo copy of Post-mortem report of Satyendra Choudhary, Photo Copy of owner book of Bolero bearing registration No. JH 01 BG 6232 and policy paper of offending Bolero vehicle.

The O.P. No. 1, S.B.I. General Insurance co. Ltd. Appeared with rejoinder and written statement for the said petition of u/s 140 of M.V. Act and the claim of the applicants have been denied on various grounds but during the argument and in his w.s., he admits the policy at the time of accident. The O.P. No. 2 owner of the offending Bolero also appeared in the court with w.s and prays to the court that at the time of accident

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and death of Satyenra Choudhary, his Bolero was insured with O.P. No. 1, S.B.I. General Insurance Co. Ltd. So the O.P. No. 1, S.B.I. General Insurance Co. Ltd. Is liable for entire compensation.

Heard argument of both parties, perused the case record as well as the documents filed on behalf of the applicants and o.ps, I find that this case is of no fault liability and on the alleged date and time of occurrence, the alleged offending Bolero was insured with O.P. NO. 1, S.B.I. General Insurance Co. Ltd. On the alleged date and time of accident covering risk the third party policy. Hence in my opinion, the applicants are entitled to get ad-interim compensation u/s 140 M.V. Act. So it is hereby allowed the petition u/s 140 of the M.V. Act. Therefore, compensation amount of Rs. 50,000/- to the applicant no. 1 Wife of deceased within thirty days from the date of this order, failing which applicants are entitled to get 9% interest from the date of filing till the payment. Put up on 02.11.2021 for further proceeding.

(Dictated)

Sd/-

Additional District Judge 1st-cum
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