

MHAH010065062022



ORDER BELOW EXH-5 IN
M.A.C.P.NO.441/2022

1. This is an application under Section-140 of the Motor Vehicles Act, 1988 (hereinafter “the M.V.Act” for short) for seeking compensation amount for “No fault liability” in respect of accidental death of late Shreya Prashant Waghaskar.

2. Heard learned advocate Shri.B.B.Palve for the petitioners and learned advocate Shri.V.B.Mutha for opponent No.3

3. As per petitioner, the accident took place on 26.06.2022 at about 3.30 p.m. the deceased along with her mother were proceeding on Activa moped bearing No.MH-16-BE-1926. The deceased was pillion rider and her mother was riding said moped by the left side of road in slow and moderate speed. At that time, one truck bearing No.TS-01-UA-7716 came from Pathardi side in rash and negligent manner and gave dash to the moped of applicant from back side. In said accident Shreya sustained severe injuries and died during treatment in Jahangir Hospital, Pune. It is alleged that the accident happened due to rash and negligent driving on a part of offending motorcycle. Hence, this petition for compensation wherein this application for NFL.

3. The opponent No.3 filed its say cum written statement at Exh-13 and denied all the contention. The insurance company strongly opposed the application on the ground that the engine number and chassis number mentioned in the R.C. book is not mentioned in the insurance

policy. In the policy the vehicle number is also different. It has denied the involvement of the offending truck in the alleged accident. Hence, prayed for rejection of the application.

5. In FIR as well as spot panchanama, registration numbers of said truck is mentioned. Immediately after the accident truck was stopped there. The onlookers gathered there and they took the injured for medical treatment and truck driver were handed over to the police. At this stage, it is not at all expected to go into the details of the objections raised by the respondent. The point of involvement, breach of insurance policy and other objections raised by respondent No.3 will be decided at the time of judgment. So, considering the provision under Section-140 of M.V. Act is for social benefit. Hence, in the interest of justice, it is just and proper to allow the application. Accordingly, the order :-

ORDER

1. Application Exh.5 is hereby allowed.
2. Respondent Nos.1 to 3 do pay, jointly and severally, "No Fault Liability" amount of Rs.50,000/- (Rupees Fifty Thousand Only) to the petitioners, within one month from the date of this order.
3. In case of failure to pay an amount as stated above, the amount shall carry interest at the rate of 8% p.a., till its realization.
4. After depositing of said amount by opponents, first to recover court fee stamp, if any, and thereafter, remaining amount be paid to the petitioners.

Date : 01.11.2023.
Ahmednagar.

(Sunil S. Gosavi)
Member, M.A.C.T., Ahmednagar.
JO Code : MH00519.