



BEFORE THE COURT OF MEMBER, M. A. C. T., GONDIA

MOTOR ACCIDENT CLAIM PETITION NO. 21/2020
(CNR NO.MHGO010001702020)

HIVRAJ MARASKOLHE+1 -VS- VIKAS KHOTELE+2

ORDER BELOW EXH. 05.

(Passed on this 07th day of November, 2024)

This application is moved under section 140 of Motor Vehicle Act, 1988 for short M. V. Act, 1988.

2. On 24/09/2018 at about 11.30 hours Haresh Hivraj Maraskolhe was proceeding by motorcycle towards Dawwa. When he reached on Dawwa – Chirchadi road, the offending vehicle i.e. tractor bearing Engine No.NJC2EAJ0691 & Chasis No. MBNADAEXLJNC00814 came in high speed and in rash and negligent manner from opposite direction and gave dash to the motorcycle. Due to said dash Haresh Maraskolhe sustained serious injury and succumbed to the accidental injuries on the spot.

3. Accordingly, crime No.223/2018 under Sec. 279, 304 of IPC is registered against the driver of offending tractor.

The respondent No.1 is the owner of the offending vehicle and that the said vehicle was insured with the respondent No.2 at the time of said accident.

4. In the instant case respondent No.2-insurance company has filed written statement and denied that the offending tractor was insured with its company. However, documents on record shows that said offending tractor was insured with respondent No.2 and respondent No.1 is the owner of the said offending tractor.

5. Since, the petitioners have established that offence is registered against the offending vehicle and that the said vehicle was insured with the respondent No.2 at the relevant time, they are entitled for no-fault claim of Rs.50,000/-. Thus, the respondent No.2 is vicariously liable to pay the No-fault liability amount for and on behalf of respondent No.1.

6. In the result, application at hand deserves to be granted. Hence, the following order.

ORDER

Application (Exh.05) is allowed.

2. Respondents No. 1 & 2 shall jointly and severally pay compensation of **Rs.50,000/-** (Rs. Fifty Thousand only) along

with interest @ 7% per annum from the date of application to the petitioner towards No-fault claim under Sec.140 of the Motor Vehicle Act.

3. Interim award be drawn accordingly.

Gondia.
Dated: 07.11.2024.

(A. S. Pratinithi)
Member, MACT, Gondia.

Dictated on and transcribed on dais : 07/11/2024
computer

Checked by the Judge : 07/11/2024

Finally printed & signed by the : 07/11/2024
Judge