



O R D E R below exhibit D-6

(Delivered on this the 4th day of the month of July of the year 2023)

By this application, the claimant have claimed compensation under section 140 of the Motor Vehicles Act 1988 (for Short the Said Act).

2. In the application at exhibit 1, the claimant no.1 is shown to be the wife of Mr. Dhan Bahadur Budha Magar and claimant no.2 is Mr. Dhan Bahadur Budha Magar. Both the claimants have pleaded about the death of their son Mr. Niraj Budha Magar. It is stated that their son sustained injuries on his chest and head in an accident that took place on 24.3.2022 at 17.00 hours, Bellem Flyover bridge, near Furtado Petrol Pump, Navelim Salcete Goa and that on account of the accident, death took place on the same day while undergoing treatment.

3. Reply of the respondent no.1 is at exhibit D-15 where liability is denied. The respondent no.2 has filed reply which is at exhibit D-13 where the claim is denied.

4. Heard Arguments. Ld. Adv .Borkar advanced arguments on behalf of the claimant, Ld. Adv. Dukle advanced arguments on behalf of the respondent no.1 and Adv. Pereira advanced arguments on behalf of the respondent no.2.

5. In support of the application at exhibit 1, the claimants inter alia have relied upon the FIR dated 24.03.2022, Autopsy Report dated 25.3.2022, Birth Certificate and Death Certificate including the Marriage Certificate of the claimants. In the Birth Certificate of the deceased, name of the father is shown as Dhan Bahadur Budha Magar and name of the mother is shown as Bhima Budha Magar.

6. Death Certificate also shows the names of the claimants as the parents of the deceased. Thus, there is enough material before the court to show that there was a

death on account of the accident. Section 140 of the said Act, gives right to the claimants to claim Rs.50,000/- on account of death. Here, court need not look into the fault of any party. Section 140 of the said Act does not give any discretion to the court to test about the rash and negligent act on the part of any person. Therefore, the objections raised for the respondents have no substance in view of Section 140(3) of the said Act.

7. I, therefore, pass the following :

ORDER

Application is allowed.

The respondents are jointly and severally directed to pay Rs.50,000/- to the claimants within a period of 30 days from today.

Pronounced in the Open Court.

Margao.

Dated: 04.07.2023

(Sudhir S. Shirgaonkar)
Presiding Officer,
Motor Accident Claims Tribunal-4
South Goa, Margao.