

MHAH010019  
022021



**Order Below Exh.5 in M.A.C.P. No.148/2021.**  
(Laxman Sabale & other Vs. Mahavir Magna Gurjar & ors.)

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 Sakshi Laxman Sabale.
2. Heard Ld. Advocate V.M.Bhapkar for the applicants and Ld. Adv.S.S.Katariya for the insurance.
3. As per claimants, the accident took place on 26.06.2020 at about 07:30 p.m., on Nagar-Solapur Road, in the vicinity of village Ghogargaon, near Bhos wasti road corner, Tal. Shrigonda, Ahmednagar. At the relevant time and place, the offending truck no.RJ-27-GA-7563 gave dash to the bullet motorcycles no.MH-16-BW-9119 of applicant no.1 on which deceased Sakshi was pillion rider. Due to accidental injuries, she died on the spot of incident. Applicants are parent of late Sakshi. Hence, this petition for compensation wherein this application for NFL.
4. Perused say filed by opponent no.2/insurer. Opponent has denied all the allegations against them. Even after duly served with notices, opponent no.1 failed to appear, hence, *ex-parte* order is passed against him.
5. Documents shows that, at the relevant time, the offending vehicle is validly insured with opponent no.2. At this stage, it is not at all expected to go into the details of the objections raised

by the opponent/insurer. There is *prima-facie* documentary proof or evidence to show that demise of Sakshi is a result of the injuries caused in accident in question. Moreover, the police papers filed on record *prima facie* shows involvement of the offending vehicle in the accident. The applicants are parent of the deceased.

6. Hence, considering the provision under section 140 of M.V. act which is for “public beneficiary” and also considering the above reasons, this is a fit case to grant interim compensation to the applicants/petitioners. Accordingly, the order :-

### **O R D E R**

1. Application exh.5 is hereby allowed.
2. Opponent nos.1 to 3 do pay, jointly and severally, "No Fault Liability" amount of Rs.50,000/- (Rupees Fifty Thousand Only) to the applicants/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 7% p.a., till its realization.
4. After receipt of said amount, the applicants/petitioners should deposit deficit court fee, if any.

Date : 30.06.2022.  
Ahmednagar.

(Milind V. Kurtadikar)  
Member, M.A.C. Tribunal  
Ahmednagar.  
JO Code : MH00897.