

MOTOR ACCIDENT CLAIMS TRIBUNAL, AHMEDNAGAR.

(Before : Sudhakar V. Yarlagadda, Chairman)

ORDER BELOW EXH. 5 IN MACP NO.438/2021

(Savita Ganesh Lohar and ors.Vs. Gokul Vishnu Kadam and ors.)

**APPLICATION UNDER SECTION 140 OF THE MOTOR-
VEHICLES ACT, 1988**

In this proceeding under Section 166, the applicants preferred this application under Section 140 of the Motor Vehicles Act, 1988 and claimed compensation of Rs. 50,000/- on account of death of Ganesh Lohar, in a road traffic accident dated 17.06.2019 involving motor cycle bearing no. MH-16-AX-3714 driven by the deceased Ganesh and Tata Indica Car bearing no. MH-02-AQ-6227 driven by respondent no.3. Respondent no.4- insurance company filed the written statement at Exh.19-A. It denied the accident and involvement of the Tata Indica Car.

2. I find from the papers produced on record by the applicants that on 18.06.2019, the information about the accident to Ganesh Lohar on 17.06.2019, was given to the Police and on 22.06.2019, detailed report was lodged by applicant no.1 Savita mentioning the involvement of said Tata Indica Car. I also find that Police registered the offence vide Crime no. 178/2019 under Section 304-A etc. of the Indian Penal Code and Section 184 of the Motor Vehicles Act. The postmortem report shows the cause of death as Hypovolemic shock due to crushed multiple injuries. The driver- Respondent no.3 has valid and effective driving licence to drive LMV till 24.02.2031. Copy of the insurance policy for the period of 25.08.2018 to 24.08.2019 is also produced on record. Therefore, I find *prima facie* material showing the involvement of the said Tata Indica Car and driving of the same by respondent no.3, his valid driving licence and the insurance policy being in force on the date of the accident. Therefore, the applicants

are entitled for compensation of Rs. 50,000/- on No Fault principle under Section 140 of the Motor vehicles Act. Hence, the following order is passed.

FINAL ORDER

- 1) The application (Exh.5) under Section 140 of the Motor Vehicles Act, 1988, is hereby allowed and on behalf of the respondents, respondent no.4-insurance company shall deposit in this Tribunal, Rs. 50,000/- in 30 days, towards the No Fault Liability compensation. In default, it shall carry interest at the rate of 9% per annum from the date of this order till its realization.
 - 2) Upon deposit or realization of the said amount, it be paid to the applicants in equal proportion by NEFT or account payee Cheques.
 - 3) The applicants shall pay the deficit court fees if any, before withdrawing the said compensation amount.
 - 5) Attested copy of this order be given to the learned advocate for Respondent no.4-insurance company to expedite the payment.
 - 6) The interim award be drawn accordingly.
- Costs to be the costs in the cause.

Date: 16.04.2024

(Sudhakar V. Yarlagadda)
Chairman, Motor Accident Claims-
Tribunal, Ahmednagar.