

M.A.C.P. No.29/2019
Shakuntala & anr. Vs. Ashok & anr.

ORDER BELOW EXH.05

This is an application under section 140 of the Motor Vehicles Act, 1988, for grant of interim compensation on the count of death of Krushna Ashok Pawar in an accident involving Motorcycle bearing registration No.MH-23-AV-0961.

2] Respondents appeared and opposed the application by filing written statement cum say at Exh.18 and 14 respectively. Both have denied that they are responsible to pay interim compensation to the claimants/applicants.

3] Perused the main application filed under Section 166 of the Motor Vehicles Act, 1988, interim application and documents filed alongwith list Exh.4.

4] Heard, Shri.A.B.Landge learned Advocate for the applicants and Shri.A.S.Bade, learned Advocate for the respondent No.2.

5] According to the claimants/applicants, said accident took place on 08.11.2018 at about 10:30 p.m. on Georai to Rajpimpri road, in the vicinity of village Rajpimpri and F.I.R. is lodged against the Motorcycle rider and offence is registered against him vide C.R. No.526/2018 at Georai Police Station, Dist.Beed, for the offence p/u/sec. 304-A, 279, 337 and 338 of the Indian Penal Code.

6] Learned Advocate for the claimants/applicants submitted that this being an application under No Fault Liability and as all requirements of Section 140 of the M.V.Act are duly established, the application be allowed.

7] On the other hand, learned Advocate for respondent No.2 submitted that in written statement the claim of the claimants/applicants is specifically objected by the respondent No.2 on various grounds, therefore, considering those grounds the insurance company is not liable to pay interim compensation, therefore, application be rejected.

8] I have gone through the papers filed by the claimants/applicants alongwith list Exh.4 i.e. copy of Form AA., F.I.R. dated 14.11.2018, spot panchanama, post-mortem notes it prima-facie show that the deceased died in a vehicular accident involving the said Motorcycle. From the other documents prima-facie it can be said that the respondent No.1 is the owner of said Motorcycle and respondent No.2 is the insurer.

9] After considering the pleadings and documents filed, it can be said that there is sufficient compliance for grant of interim compensation to the claimants/applicants under Section 140 of the Motor Vehicles Act, 1988. Therefore, respondent Nos.1 and 2 are jointly and severally liable to pay interim compensation to the applicants/claimants. Hence, I pass following order :

ORDER

The application (Exh.5) is allowed as under:

- 1] Respondent Nos.1 and 2 shall jointly and severally deposit in this Tribunal amount of ₹.50,000/- [₹. Fifty Thousand] towards interim compensation payable to the claimants/applicants under No Fault Liability within 30 days from the date of this order.
- 2] If the respondents fail to deposit said amount within stipulated time they shall pay interest @ 9% p.a. over and above the said amount from the date of this order till the realisation of entire amount.
- 3] After depositing amount as directed above, the same shall be paid to the claimants/applicants No.1 and 2 equally on their due identification and verification of their bank accounts details as per the rules.
- 4] The claimants/applicants to pay deficit court fees after receiving the said interim compensation amount.
- 5] The application is disposed of accordingly.

Place:Beed
Date : 17-07-2019.

Sd/-
(Kishor R. Patil)
Member M.A.C.T. Beed.