

IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT BEED.**Suryabhan and others V/s. Vasant and others
ORDER BELOW EXH. 05
CNR-NO.MHBI010016672022**

1] The claimants have moved this application U/sec. 140 of the Motor Vehicles Act, claiming NFL amount on account of motor vehicular accidental death of one Eknath Khirna Golhar in motor vehicular accident on 06/01/2021. Claimant no. 1 and 2 are the sons and claimant no. 3 and 4 are the grand-son of the deceased.

2] The notices were issued to the respondent no. 1 to 3 Respondent no. 1 and 2 appeared and filed their say- written-statement at Exh. 18 and respondent no. 3 appeared and filed its say written-statement at Exh. 13.

3] Perused the application and say filed thereto. Heard both the sides.

4] It is the case of the claimant that on 06/01/2021 at about 10:00 a.m., the deceased along with Ramkrushna Ambadas Golhar were proceeded on the motorcycle no. MH-16 AU-3419 for the marriage at Pathardi from Kapasi. At that time the said Ramkrushna was driving the said vehicle and deceased was pillion rider. The Ramkrushan driving the said motorcycle in slow and moderate speed by following the traffic rules and regulations towards his correct side. When they reached in the vicinity of village Dhamangaon Khilad, one red colour Alto coming from opposite side. At that time, one white colour Mahindra Scorpio no. MH-16 AT-0200 came in high speed and excessive speed and without following traffic rules and regulations and rash and

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negligent manner and by overtaking the said auto the said vehicle suddenly gave forceful dash to the motorcycle of the deceased from back side. Due to that the deceased and Ramkrushna fell down on the road and sustained grievous injuries on their person. Thereafter, deceased was shifted at Hospital. At the Hospital, deceased was died.

5] Crime was registered against the driver of the Scorpio at Ambhora Police Station vide CR No. 24/2021.

6] Respondents have not disputed the accident but they stated that said accident occurred due to the negligence of deceased.

7] Perused the documents and police papers filed along with the application. At this stage it appears that, as soon as the accident occurred the report came to lodged at the police Station and offence came to be registered for the offences punishable u/s. 279, 337, 338, 304A, of IPC and under Section 134/184 of the Motor Vehicle Act. Spot panchanama was drawn. From the PM notes it is revealed that deceased died due to accidental injuries.

8] Whether the offending vehicle is validly insured or not, it would be decide at the time of trial. Hence, irrespective of the fault in occurrence of the accident the order for payment of compensation can be passed while deciding the application under Section 140 of M.V. Act without going into pleadings and establishment of fault. It is sufficient requirement that involvement of offending motor vehicle in the accident. In the said Circumstances, I find no impediments in granting interim relief as prayed by the way of compensation. Hence, I pass the following Order :

ORDER

- 1] Application Exh. 05 is hereby allowed.
- 2] Respondent No. 1 to 3 are directed to deposit Rs. 50,000/- (Rs. Fifty thousands only) jointly and severally with interest @ the rate of 7% Per annum from the date of application till its realization by way of No Fault Liability to the applicants.
- 3] The respondent No. 1 to 3 are directed to deposit the amount accordingly, within one month from today. On depositing the amount the same be paid to the claimants, by crossed account payee Cheque on proper identification.

Beed
Date : 15/03/2023

(S. R. Patil)
Member
M.A.C.T. Beed

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CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are word to word, as per the original Judgment/order.

Dictated on : 15/03/2023
Transcribed on : 15/03/2023
Checked and signed on : 15/03/2023

Sd/-
(G. N. Ghayal)
Stenographer Grade I