

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT BEED.
Vidya and others V/s. Vikas and another
ORDER BELOW EXH. 05
CNR-NO.MHBI010020192021**

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 Shrihari Navnath Pawar in motor vehicular accident on 01/03/2020. Claimant no. 1 is the widow, claimant no.2 and 3 are the children and claimant no. 4 and 5 are the parents of the deceased.

2] The notices were issued to the respondent no. 1 and 2. Respondent no. 1 appeared and filed its say- written-statement at Exh. 14 and respondent no. 2 appeared and filed his say- written-statement at Exh. 18.

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

4] It is the case of the claimant that on 01/03/2021, the deceased Shrihari Navnath Pawar along with Vishal Ajinath Palve were proceeding on Honda Unicorn motorcycle no. MH-23 BB-7664 from Khadkighat towards Beed. At that time Vishal Palve was driving the said motorcycle and deceased was pillion rider. At about 7:00 p.m., when they reached in the vicinity of village Manjarsumba on Manjarsumba-Beed road near Hotel Kanhaiya, at that time, said Vishal was driving the said motorcycle in high and excessive speed in rash and negligent manner without following the traffic rules and regulations. He had no control over his vehicle and suddenly he gave forcefully dash to one cattle, therefore, deceased fell down and sustained grievous injuries on his person.

(2)

Thereafter, deceased shifted at Lotus Hospital, Beed, where the deceased was indoor patient in the said hospital from 01/03/2021 to 16/04/2021. After getting discharge the deceased was not fully recovered and he is still in comma condition as such the relative of deceased again shifted at Carewell Hospital, Aurangabad. Thereafter, he was shifted at Lifeline Hospital, Beed. But, during the period of treatment, the deceased died.

5] Crime was registered against the driver of the motorcycle at Neknoor Police Station District Beed vide CR. No 172 of 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, 338, 304A of IPC. 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 and 2 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 and 2 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 : 28/02/2023

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

(4)

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 : 28/02/2023
Transcribed on : 28/02/2023
Checked and signed on : 28/02/2023

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