

M.A.C.P. No.326/2021  
Shobha & anr. Vs. Vitthal & ors.  
CNR-MHBI010024872021

**ORDER BELOW EXH.5**  
**(Passed on 16.07.2022)**

This is an application under Section 140 of the Motor Vehicles Act, 1988, for the grant of interim compensation on the count of death of Subhash Mukta Kale, due to the accident involving Swift Dezire Car bearing registration No.MH-04-EZ-2121.

2] Petition is proceeded without written statement against respondent No.3 vide order dated 22.06.2022 passed on Exh.1.

3] The respondent No.1 and 2 appeared and opposed the petition and application by filing their written statement at Exh.13. They denied the claim petition.

4] Perused the main application, application for interim compensation and copies of the documents filed alongwith list Exh.4. According to the applicants/claimants, the said accident took place on 20.03.2021 at about 05:00 p.m. on Sulemandeola to Dhanora road and F.I.R. is lodged against the driver of Car vehicle and offence is registered vide C.R. No.71/2021 at Police Station Ambhora for the offence p/u/sec.279, 338 and 304-A of the Indian Penal Code and Section 134 and 177 of the Motor Vehicles Act.

5] After going through the papers filed by the claimants/applicants alongwith list Exh.4 viz. Report dated 27.03.2021,

F.I.R., Spot Panchanama and Postmortem Notes, prima-facie it can be said that the deceased died in a vehicular accident involving the said Car vehicle. From the other documents prima-facie it can be said that the respondent No.1 is the owner, respondent No.2 was the driver and respondent No.3 is the insurer of the said Car vehicle.

6] Thus, after considering the pleadings and true copies of documents filed on record, prima facie it can be said that the claimants/applicants being the widow and son of the deceased are entitled for interim compensation under 'No Fault liability'. Further, it can be said that Respondent No.1 being the owner, respondent No.2 being the driver and respondent No.3 being the insurer of said Car vehicle are jointly and severally liable to pay interim compensation to the claimants/applicants. As such, the application is to be allowed. Hence, I pass following order :

### **ORDER**

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

- 1] Respondent Nos.1 to 3 shall jointly and severally pay amount of ₹.50,000/- [₹. Fifty Thousand] as interim compensation to the claimants/applicants under the 'No Fault Liability' within 30 days from the date of this order.
- 2] If the respondents fail to comply as directed above, they shall pay interest @ 7% p.a. over and above the said amount from the date of this order till the realisation of entire amount.
- 3] The interim compensation amount shall be paid to the claimants/applicants equally by way of account payee cheques in their names or directly transferring the

amount into their respective bank accounts after their due identification and verification of their bank account details as per the rules.

- 4] The claimants/applicants to pay deficit court fees stamp, if any, within 30 days of this order.
- 5] The application is disposed of accordingly.

Place:Beed  
Date : 16.07.2022.

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

Dictated on : 16.07.2022  
Transcribed on : 16.07.2022  
Checked & signed on : 16.07.2022

I affirm that the contents of this PDF file are word to word as per original order.

Name of Steno : A.M. Dashrath  
Name of Court : District Court, Beed.

Sd/-  
(A.M.Dashrath)  
Stenographer Grade-I