

M.A.C.P. No.378/2020
Mahananda & ors. Vs. Mahesh & anr.
CNR-MHBI010031512020

ORDER BELOW EXH.5
(Passed on 11.04.2023)

This is an application under Section 140 of the Motor Vehicles Act, 1988, for the grant of interim compensation on account of death of Rama Abhiman Sirsat, because of the injuries sustained in accident involving Eicher Tempo bearing registration No.MH-26-AD-0465.

2] Respondent No.1 failed to appear, therefore, application and petition proceeded ex-parte against him vide order dated 07.02.2023 passed below Exh.1. Respondent No.2/Insurance Company appeared through its Advocate and denied/opposed the petition and application by filing its written statement at Exh.16.

3] Perused the main application, application for interim compensation and copies of documents filed alongwith list Exh.4. According to applicants/claimants, accident took place on 07.06.2019 at about 12:40 a.m. in the vicinity of Gangapur Nehri, Chitrakut Valley, New plotting Corner, and F.I.R. is lodged and offence is registered vide C.R. No.234/2019 at Police Station Aurangabad City for the offence p/u/sec.304-A, 279 and 338 of the Indian Penal Code.

4] After going through the copies of documents filed by the claimants/applicants alongwith list Exh.4 viz. Comp. Form AA, Report dated 10.06.2019, F.I.R. dated 10.06.2019, Spot Panchanama, Inquest

Panchanama, Postmortem Notes, prima-facie it can be said that the deceased died in a motor vehicular accident involving the said Eicher Tempo. From the other documents prima-facie it can be said that the respondent No.1 is the owner and driver and respondent No.2 is the insurer of said vehicle.

5] Claimant No.1 is the wife of deceased and claimant No.2 and 3 are daughter and son and claimant No.4 and 5 are parents of the deceased. After considering the pleadings and true copies of documents filed on record, prima facie it can be said that the claimant No.1 being the wife, claimant No.2 and 3 being the children and claimant No.4 and 5 being the parents of the deceased are entitled for interim compensation under 'No Fault liability'. Further, it can be said that Respondent No.1 being the owner and driver and respondent No.2 being the insurer of said 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 No.1 and 2 shall jointly and severally deposit amount of ₹.50,000/- [₹. Fifty Thousand] as interim compensation to be payable to the claimants/applicants under the 'No Fault Liability' within 30 days from the date of this order by way of RTGS/NEFT into Saving A/c No.40780491353 State Bank of India, Branch Rajurives, Beed, IFSC Code SBIN0020028 in the name of Ex Officio Member MACT, Beed.
- 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] Said interim compensation amount shall be paid to the claimants/applicants in following manner :
 - a) 30% of amount be paid to the claimant No.1 Mahananda Rama Sirsat by way of RTGS/NEFT into her Saving Bank Account on her due identification after verifying her Bank Account details, as per the rules.
 - b) 20% of amount be kept in fixed deposit in the name of claimant No.2 Tejasvini Rama Sirsat and claimant No.3 Yash Rama Sirsat, each in any Nationalized Bank till they attains the age of majority.
 - c) 15% of amount be paid to the claimant No.4 Abhiman Dadarao Sirsat and claimant No.5 Rambha Abhiman Sirsat, each by way of RTGS/NEFT into their Saving Bank Account on their due identification after verifying their Bank Account details, as per the rules.
- 4] The claimants/applicants to pay deficit court fees stamp within 30 days from today.
- 5] The application is disposed of accordingly.

Place:Beed
Date : 11.04.2023.

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

Dictated on : 11.04.2023
Transcribed on : 11.04.2023
Checked & signed on : 11.04.2023

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

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