

M.A.C.P. No. 62/2019
(MHBI04-001133-2019)

Balkrishna s/o. Adinath Mankeshwar
Vs.
Rahul Dhondiram Mane and other.

ORDER BELOW EXH. 05.

01. This is an application for getting amount of no fault liability.

02. The claimant Balkrishna s/o. Adinath Mankeshwar is the injured, who has injured in the accident which was occurred on 07.11.2016.

03. It is alleged that, on 07.11.2016 at about 6.00 p.m. claimant was proceeding from Tahsil Office to Ambedkar Chowk on his two wheeler bearing No.MH-44-2670 in moderate speed and by correct side of the road. When he came in front of Venutai Chavan Mahila College and was taking turn to Ambedkar Chowk, one auto rickshaw bearing No.MH-23-X-4176 came from Savarkar Chowk in high speed and in rash and negligent manner and dashed to the claimant on right side. Due to said dash claimant thrown away from his scooty and sustained grievous injuries to his legs and other multiple injuries and was shifted to SRTR Hospital Ambajogai. According to him in the accident he has sustained 27% of the permanent disability and concern doctor has issued certificate to that effect.

04. It appears that on the basis of FIR lodged by claimant offence bearing No. 482/2016 has been registered in Ambajogai City police station under section 279, 338 of I.P.C.

05. The claimant has produced on record his disability certificate issued by SRTR Medical college and Hospital Ambajogai. It is dated 12.03.2019. From the said certificate it is seen that, he has sustained 27% of the permanent disability in the accident.

06. From the copy of Form No.23 issued by Deputy RTO Office, Beed, the respondent No.1 Rahul Dhondiram Mane appears to be registered owner of offending auto rickshaw. It is also seen that, by the indemnity bond dated 01.01.2017 the said auto rickshaw was handed over in his interim custody by the concern police station after registration of the offence. It is also seen that, at the time of accident he was driving the said auto rickshaw. Accordingly offence was also registered against him bearing No.482/2016 in Ambajogai City police station.

The photo copy of cover note of the insurance policy reveals that the offending vehicle was insured with it from 30/12/2015 to 29/12/2016. The accident has occurred on 07/11/2016. Hence at the time of accident the policy was is in existence and valid.

07. Hence, the respondent No. 1 and 2 jointly and severally are liable to pay the amount of no fault liability of Rs. 25,000/-. Hence, following order.

ORDER

- A. The application for an amount of no fault liability at Exh.5 is allowed.
- B. The Respondents No.1 & 2, shall jointly and severally pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Claimant, within a period of 30 days from today, by depositing it, in this Tribunal, failing which the amount shall carry interest @ 12% per annum from date of filing of petition i.e. 12/09/2019 till it is deposited in the Tribunal.
- C. Costs in cause.
- D. Interim award be drawn accordingly.

Date :- 25.08.2021. Sd/-
[Sau. S. S. Sapatnekar]
Ex-Officio Member of the Motor Accident
Tribunal & District Judge-1,
Ambajogai.

CERTIFICATE

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

Dictated on : 25.08.2021
Transcribed on : 25.08.2021
Checked & Signed on : 25.08.2021

Date : 25.08.2021 A.S.PANHALE
STENOGRAPHER GR-1