

M.A.C.P.No.28/2019.

Raghunath Pawar.

-Vs.-

Kiran Wankhede.

CNR NO.MHBU010003782019.

ORDER BELOW EXH.05

(Passed on :-19/12/2019)

01. This application is taken out by the claimant under Section 140 of the M.V.Act 1988 for grant of 'No Fault Liability' amount of Rs.25,000/- with interest @ Rs.18% per annum.

02. The opponent filed his reply at Exh.14 and strongly opposed the application and denied the interim compensation claim by the claimant.

03. Heard the learned advocates appeared for claimant and opponent. They argued on the line of averments made in the application and reply.

04. On perusal of the record and documents i.e. copy of F.I.R., spot panchanama and medical documents most particularly Form Com. B, it appears that on 08/06/2016 at about 17.00 hours when the claimant was travelling in Auto No.MH-28-H-4461 along with other passengers from Sultanpur and when reached near Ranjani Shiwar, at that time offending unregistered John Deer Tractor (thereafter registered as MH-28-AJ-4890) came from opposite side and gave a dash to said Auto-Rickshaw. As a result,

claimant sustained permanent disability and one Parmeshwar has been died.

05. From the perusal of spot panchanama, it appears that the damage auto-rickshaw and offending tractor were found on the spot of occurrence. These facts prima facie shows the involvement of offending tractor in the alleged accident. Who is at fault, either driver of the said auto-rickshaw or driver of the offending tractor is a matter to decide on merit. The medical documents most particularly Form Com. B shows that the claimant has sustained permanent disability to the extent of 3%. Considering all these facts, I hold that the claimant is entitled for N.F.L. compensation of Rs.25,000/-. In the result, I proceed to pass the following :-

-ORDER-

1. Application Exh.5 is allowed.
2. Claimant is entitled for N.F.L. compensation of Rs.25,000/- (Rs. Twenty-Five Thousand).
3. Opponent shall pay N.F.L. compensation of Rs. Rs.25,000/-(Rs. Twenty-Five Thousand) to the claimant within 30 days of this order, else he will be liable to pay the interest @ Rs.9 % per annum from the date of this order till realization of N.F.L. amount.

Date :-19/12/2019.

(A.A.Dhumne)
Member,
M.A.C.T. Buldana.