

M.A.C.P No. 129/2016  
CNR MHBU01-001193-2016  
Smt. Mangala Chavan +4  
-Vrs-  
Dnyandeo Chavan +2

**Order below Exh.5**  
(Passed on 22.10.2018)

1] This is an application for NFL compensation Rs.50,000/- under section 140 of the Motor Vehicles Act, on account of death of Vijay Bapurao Chavan in a motor vehicular accident, filed by his wife children and parents.

2] The accident took place on 11.06.2016 at about 8.30 pm on Dhad-Buldana road, near Sagwan stop. Deceased Vijay Chavan was returning home at Buldana riding motorcycle MH-28-X-3530. He was driving his motorcycle slowly, cautiously and by following rules. The opponent no.1 was driving the offending Piaggio Ape No. MH-28-H-6200 very rashly and negligently in uncontrollable speed. Said Ape vehicle gave dash to the motorcycle of deceased. He sustained severe bodily injuries and died.

3] Opponent no. 1 filed written statement Exh. 17 and submitted that he was the previous owner of the Ape vehicle. On the date of accident, it was owned by opponent no.2 however, insurance was in the name of opponent no.1. He prayed that he be exonerated and alternatively prayed that opponent no.3 being insurer, liability if any, be saddled upon it.

4] Opponent no.2 filed written statement Exh.15. Ownership and registration of vehicle in his name is admitted. He also prayed that he be exonerated and alternatively prayed that opponent no.3 being insurer,

liability if any, be saddled upon it.

5] Opponent no.3, Magma HDI Insurance Company filed written statement Exh.27. For further and better particular it has not admitted the insurance of Ape vehicle. It has denied the involvement of Ape vehicle in the accident. It is submitted that for want of breach of policy conditions i.e. driver not holding valid and effective licence, application be rejected. Alternatively it is submitted that driver of motorcycle i.e. deceased be held responsible for contributory negligence.

6] Heard learned advocate Mr. J.K. Deshmukh, for the applicants, learned advocate Mr. D.W. Munde for opponent no.1, learned advocate Mr. N.B. Sakhare for opponent no.2 and learned advocate Mr. B.B.Pandey, for the opponent no.3.

7] From the documents of investigation, i.e. Form Comp AA the involvement of the offending vehicle- Ape no. MH-28-H- 6200 is revealed. The involvement of the vehicle in the accident is not denied specifically in the written statement of opponents no.1 and 2. The owner of the vehicle admitted the involvement of the Ape vehicle in the accident. From the spot panchnama also the damaged condition of the motorcycle is seen. The postmortem report and inquest panchnama are prima-facie proof of death occurred in the vehicular accident. Insurance certificate shows that offending Ape was insured with opponent no.3 in the name of opponent no.2 from 22.6.2015 to 21.6.2016, covering the date of accident i.e. 11.6.2016. Therefore, applicants being legal representatives of deceased, are entitled for NFL compensation. Hence, order.

**Order**

1. Application is allowed.
2. Applicants are entitled to NFL compensation Rs.50,000/- (Rs. Fifty thousand only), from opponents No.1 to 3 jointly and severally.
3. Opponents no. 1 to 3 shall jointly and severally pay NFL compensation Rs.50,000/- (Rs. Fifty thousand only) to the applicants within 45 days of order, otherwise, they shall pay interest @ 7.5% p.a. from the date of order till realization of amount.

Buldana  
Dated :22.10.2018.

Sd/-  
**(Mahendra K. Mahajan )**  
Member, M.A.C.T., Buldana.

**Certificate**

I affirm that the contents of this PDF file judgment are same word to word as per original judgment

Name of Steno : V.D.Deulgaonkar.  
Name of Court : Member, M.A.C.T., Buldana