

**M.A.C.P. No. 182/2017,
Kalpana Bhikaji Wankhade
Vs.**

Maharashtra State Road Transport Corporation.
(CNR : MHBU010017692017)

Order below Exh.5.

(Dt. 06-06-2018)

1. This is an application under Section 140 of Motor Vehicles Act for getting N.F.L. compensation Rs.25,000/- in respect of permanent injury sustained by the claimant.
2. The alleged accident occurred on 07-09-2016 at 10-00 a.m. near Gurudwara, situated on Nandura Malkapur road within Naigaon shiwar. According to the claimant, the accident occurred due to the rash and negligent driving of the driver of S.T. Bus No. MH-40-N-9615 giving dash to the Truck, which was proceeding ahead of the S.T. Bus.
3. The opponent filed the reply (Exh.13) to the application. It is the contention of opponent that so called accident occurred due to negligent act on the part of the driver of Truck No. WB-23-D-2815. The truck driver, while giving side to the Bus for overtaking, suddenly came across before the S.T. Bus when Bus was overtaking the truck and thus the accident occurred.
4. Heard learned Advocate Shri C.S. Kharat for claimant and learned Advocate Shri N.B. Sakhare for the opponent.

5. The first ingredient required for application under Section 140 is involvement of the motor vehicle in the accident, in which claimant sustained the injuries. The documents on record about investigation in Crime No. 326/2016 disclosed that offence was registered against the driver of the S.T. Bus No. MH-40-N-9615 under Sections 279, 337, 338 of I.P.C. The second ingredient sustaining the permanent injury is prima facie seen from the documents of Shri Ramkrushna Hospital & Endoscopy Centre, Akola and from Form Comp 'B' issued by Prashant A. Patil, Medical Officer Incharge. Permanent disfiguration of face and nose having 17.5 % deformity is revealed from Form Comp 'B'. The third ingredient - filing of claim petition against the owner of offending vehicle is also fulfilled. Thus, the claimant is entitled for N.F.L. compensation. Hence the order.

Order

1. Application is allowed.
2. Claimant is entitled for N.F.L. compensation Rs.25,000/- (Rs. Twenty five thousand).
3. Respondent shall pay N.F.L. compensation Rs.25,000/- to the claimant within sixty days, otherwise respondent shall pay further interest @ Rs.7.5 % per annum, from the date of order till realization of the amount.

Sd/-

(**Mahendra K. Mahajan**)

Member,
M.A.C.T., Buldana.

Dated : 06-06-2018.

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Certificate

“I affirm that, the contents of this PDF file order are same word for word as per original order.”

Name of Steno :- D.V. Gaiki, Stenographer (L.G.)

Name of Court :- Member, Motor Accident Claims Tribunal, Buldana.

Date of order :- 06-06-2018.

Order uploaded on :- 08-06-2018.

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