

M.A.C.P. No. 205/2017,
Sk. Harun Sk. Dastagir
Vs.
Rajesh Kumar Dayaramji + 1
(CNR : MHB010019362017)

Order below Exh.5.
(Dated : 25-09-2018)

- 1] This is an application filed by the injured/claimant, seeking N.F.L. compensation Rs.25,000/- for the permanent disability sustained by him in a vehicular accident.
- 2] The case of the claimant is that, accident occurred on 20-08-2017 at about 16-30 hrs. on Buldana - Chikhli road near Hatani shiwar. At the time of accident, claimant was going towards Chikhli from Buldana by Black Yellow Taxi No. MH-28-R-3199 along with others. When the Taxi reached at the place of accident, Truck No. MP-09-KD-0191 came from opposite direction rashly, negligently and in uncontrollable speed and gave dash to the Black Yellow Taxi. Because of which, the accident took place. In the said accident, claimant sustained injuries and permanent disability. Offence was registered against the driver of said Truck.
- 3] Claim petition as against opponent No.1 - owner of the Truck is proceeded ex-parte.
- 4] Opponent No.2 - insurer of the Truck filed its written statement (Exh.19).
- 5] Heard learned Advocate Shri S.J. Deshmukh for claimant and learned Advocate Shri D.S. Chavan for opponent No.2.

6] It appears from the documents filed on record that offence was registered against the driver of Truck No. MP-09-KD-0191 and charge-sheet is also filed against him. Prima facie involvement of vehicle is seen from the documents of investigation. The rash and negligent driving is attributed to the driver of offending vehicle i.e. Truck.

7] Referral Form of Government Hospital, Buldana shows that claimant has suffered fracture of ribs. It also appears from the permanent disability certificate in Form Comp "B" that the claimant sustained multiple rib fracture on left side and he has suffered 12 % permanent disability. The claimant sustained permanent disability in a vehicular accident. Hence, opponent Nos.1 & 2, being owner and insurer of the offending vehicle, jointly and severally are liable to pay N.F.L. compensation to the claimant. Hence the order.

Order

1. Application is allowed.
2. Opponent Nos.1 and 2 jointly and severally shall pay N.F.L. compensation Rs.25,000/- (Rs. Twenty five thousand) to the claimant within 45 days, otherwise they shall further pay interest @ 7.5% p.a. from the date of application, till realization of the amount.
3. On deposit of compensation amount, it be paid to the claimant by way of cheque.

Buldana.
Dated : 25-09-2018.

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

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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 :- 25-09-2018.

Order uploaded on :- 26-09-2018.
