

ORDER PASSED BELOW EXH.5 IN MACP No.562/2020

(Sunil Tukaram Borse, V/s. Gopal Santosh Jadhav, etc-3)

CNR NO. MHDH01-000022-2020

1. The petitioner has filed the present application under Section 140 of the Motor Vehicles Act, 1988, for grant of interim compensation of Rs.25,000/-, under no fault liability, from the respondents, on account of injury and permanent disability suffered by him, in motor vehicle accident.

2. It is the case of the petitioner that on 07/06/2019 at about 11.45 am he along with his wife were traveling towards Sakri from Dhule on his motorcycle bearing Registration No. MH-18-BN-5501. He was riding the motorcycle and his wife was the pillion rider. When they reached in front of the office of Municipal Corporation, Dhule an Eco Sports Titanium vehicle bearing Registration No. MH-18-AJ-8501 driven by respondent No. 1 and owned by respondent No. 2 came from opposite direction in very high speed and in a rash and negligent manner. It was being driven without considering the condition on the road, and it gave a forceful dash to the motorcycle of the petitioner from opposite direction. Due to it, the accident occurred. Petitioner fell down and sustained fracture to his right hand. Respondent No.1 is the driver, No. 2 is the owner and No. 3 is the insurer of offending vehicle.

3. It is further stated that after the said accident, FIR was

registered by Dhule City Police Station, vide CR No.247/2019 under Section 279, 337, 338, of the Indian Penal Code and Section 184, 134/177 of M. V. Act, against respondent No. 1.

4. Respondent Nos. 1 & 2 did not appear though served with notice. Hence, matter proceeded Ex-parte against them.

5. Respondent No. 3, insurance company, appeared and filed its say vide Exh. 23. According to Insurance company in FIR dated 15/06/2019 petitioner specifically mentioned that Scorpio bearing Registration No. MH-18-W-8501 gave dash to his motorcycle and afterthought on 16/06/2019 in supplementary statement he again mentioned that Ford Eco Sport Titanium vehicle bearing Registration No. MH-18-AJ-8501 gave dash to his motorcycle. The said vehicle is not involved in the accident. The driver was not holding valid licence to drive the said vehicle. Hence, there is breach of terms and conditions of policy and Insurance company is not liable to indemnify the petitioner. There is non-joinder of necessary parties. As the motorcycle was driven without driving license, hence, contributory negligence be considered. Insurance company has alternatively denied any rashness on the part of respondent No.1, and age, income and occupation of injured.

6. I have heard learned counsel for petitioner and respondent No.3.

7. I have gone through the relevant documents filed on record. On perusal of the copies of documents produced below list Exh.7, it appears that on the basis of the accident dated 07/06/2019, C.R. No. 247/2019 was registered for the offences punishable under Sections 279, 337, 338, of the Indian Penal Code and Section 184, 134/177 of M. V. Act. Police after preliminary investigation has registered case against the driver of offending vehicle. It further appears from the perusal of disability certificate, filed along with list Ex.21 that petitioner has suffered 30 % disability. The disability certificate shows that the petitioner was admitted in the hospital on 07/06/2019. Therefore, though FIR is lodged on 15/06/2019, the recitals of the same reveals prima-facie involvement of the offending vehicle in the occurrence of accident.

8. On careful perusal of documents *like*, police papers, it, *prima facie*, appears that, petitioner suffered permanent disability in the accident involving vehicle bearing Registration No. MH-18-AJ-8501. Respondent No.1 is the driver, No. 2 is the owner, and respondent No. 3 is the insurer of said offending vehicle.

9. The requirement to attract the liability under Section 140 of the Motor Vehicles Act, 1988, is that there should be an accident arising out of the use of motor vehicle, leading to death or permanent disability of any person. The above referred documents are making out case for the grant of compensation under No Fault Liability against driver, owner and insurer of motor vehicles i.e.

respondent Nos. 1 to 3. Resultantly, I pass following order.

ORDER

1. The application is allowed against respondents Nos.1 to 3.

2. Respondent Nos.1 to 3 are, jointly and severally, directed to deposit an interim compensation of Rs. 25,000/- in this Tribunal within one month from the date of this order. On failure of respondents to deposit said amount, petitioner would be entitled to recover said amount of compensation along with interest at the rate of 9% per annum from the respondents from the date of filing of this claim till the date of payment of the entire amount.

3. Petitioner is directed to furnish following details on a separate sheet along with photocopy of first page of his Bank Passbook containing his photograph and PAN Card, (if any). :-

(i)	Full name of the petitioner with current address ;	
(ii)	Name of the Bank & Branch	
(iii)	Bank IFSC Code	
(iv)	Bank Account Number of petitioner.	

4. Petitioner is directed to personally remain present at the time of furnishing the above said information for personal verification.

5. On depositing the interim compensation of Rs.25,000/- in the Tribunal same be paid to petitioner by transferring the amount in his account, as per the directions of the Hon'ble Supreme Court of India in Writ Petition Civil No. 534/2020 by on-line payment mode.

6. Interim award be drawn, accordingly.

Dhule
Date: 07/07/2026

(Mousama B. Attar)
Member, M.A.C.T., Dhule

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I certify that the contents of this PDF File are word to word as per original Judgment/Order.

Name of the Steno : Pravin R. Pande,
Name of the Court : Member, M. A. C. T., Dhule
Judgment delivered on: 07/07/2026
Judgment signed by P.O.:07/07/2026
PDF Uploading Date : 07/07/2026

Sd/-xx
Stenographer (Grade - I)