

ORDER BELOW EXH.5
(19.11.2022)

1. The applicants have prayed for compensation of Rs. 50,000/- under the head No Fault Liability under section 140 of the Motor Vehicles Act (for short “M. V. Act”).

2. That on 30.09.2020 at about 01:30 p.m., while Pravin Shaligram Kolambe was going by Mahindra Vehicle MH-18/AA-6485 with Ashok Narayan Karankal, Eicher vehicle MH-40/BL-5469 dashed the Mahindra vehicle and thereby in the accident Pravin sustained fatal injuries and succumbed to death. The applicants are the dependents of Pravin. Respondent No. 1 is the driver, respondent No.2 is the owner of the offending vehicle whereas respondent No.3 is the insurer of the said vehicle. Respondents No.1 to 3 failed to file written-statement. The police papers support the contentions of the petitioners and prima-facie proved that the Pravin died in vehicular accident. Non-resistance of respondents shows that they have no objection to allow the application. In this background, prima-facie case is made to grant the interim compensation. Considering all these aspects, the respondents No. 1 to 3 are liable to pay compensation of Rs.50,000/- to the petitioners. Hence, order as follows is passed:-

ORDER

1. Application Exh.5 is allowed as under.
2. The respondents No.1 to 3 jointly and severally by virtue of Section 140 of Motor Vehicles Act, 1988, shall pay to the petitioners interim compensation of Rs.50,000/-

(Rupees Fifty Thousand only).

3. The respondents No. 1 to 3 shall pay the amount as above mentioned on or before 19.12.2022, failing which they would be liable to pay interest at the rate 8% per annum on the said amount from the date of application till payment thereof.
4. The compensation amount payable to applicant No. 2 be paid to her mother applicant No.1 by account payee cheque on her giving undertaking that she would spend the said amount for the benefit of the minor applicant No.2 only.
5. As per the directions of Hon'ble Supreme Court in Writ Petition (Civil) No. 534/2020 dated 16/03/2021 and the judgment of Hon'ble Madras High Court in Civil Misc. Appeal No. 428/2016, the Insurance Company is hereby directed to deposit the above said awarded amount in the following saving bank account of this Tribunal;

i)	Name of Account	: THE MEMBER, MOTOR ACCIDENT CLAIM TRIBUNAL, DHULE.
ii)	Bank Name	: State Bank of India, Treasury Branch, Dhule.
iii)	Type Account	: Saving Account.
iv)	Account No.	: 40709171826.
v)	IFSC Code	: SBIN0008254.
vi)	MICR Code	: 424002955.

6. After making such deposit, the insurance company shall also send a copy of the payment advice in the prescribed format as provided to the insurance company, to this Tribunal and also serve its copy on the petitioners.
7. The petitioners are directed to furnish following details on a separate sheet along with photocopy of first page of their Bank Passbook containing their photographs and PAN Card, (if any):-

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

8. The petitioners are directed to personally remain present at the time of furnishing the above said information.
9. On depositing the above said amount in the Tribunal, it be given to petitioners in equal proportion by transferring the same in their account as per the directions of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 534/2020.

Date : 19.11.2022

(Deepak L. Bhagwat)
Member, M.A.C.T., Dhule.

Certificate

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

Name of the Steno : A. P. Wagh,

Name of the Court : District Judge-7 & Member, M.A.C.T.,
Dhule.

PDF Uploading Date : 22.11.2022

Sd/-
Stenographer