

**Before Member, Motor Accident Claims Tribunal, Dhule.**

(Presided over by Mr.D.M.Aher)

**Application Exh.10**

**In**

**M.A.C.P.Darkhast No.32/2024.**

(CNR No.MHDH010026442024)

(Vaishali Gorakh Wagh V/s. Kautik Fakira Gavale)

**ORDER**

The award holders have prayed to attach and sale truck bearing No.MH-18/BA-4489 owned by the Judgment Debtor No.2.

2. It is the case of the award holders that they had filed a petition for compensation on account of death of Gorakh Wagh in motor vehicular accident. The claim petition was decreed for Rs.8,76,400/- with interest at the rate of 8% per anum. It is stated that the judgment debtor is liable to pay the amount of Rs.16,26,400/- to the award holders. However, he is avoiding to pay the due amount. Hence, this application to attach and sale the truck.

3. I have perused the record. The claim petition was decreed in June - 2020. The execution application is filed in the year 2024. The judgment debtor No.2 is served with the notice Exh.7 of execution application. However, he did not appear and not paid any amount. The award is passed by the Motor Accident Claim Tribunal. It is well settled that the Tribunal can invoke the provisions of C.P.C. to execute the award passed by the Tribunal. The application is supported by the application. I am satisfied that the judgment debtor owes more than Rs.16,00,000/- to the

award holders. The certified copy of vehicle particulars Exh.13 shows that judgment debtor No.2 owns the Eicher truck No.MH-18/BA-4489, chasis No.MC2H3JRCOGJ120390. I am satisfied that the judgment debtor No.2 has salable interest in the said property. The said property also seem to be attachable. In view of this, I find no impediment to attach the said property. Hence, the order.

4. The application Exh.10 is allowed.

(a) The Eicher truck No.MH-18/BA-4489, chasis No.MC2H3JRCOGJ120390, is hereby attached vide Order – 21 Rule – 43 of C.P.C.. The Bailiff shall attach the said vehicle by making actual seizure and shall keep the said vehicle in proper custody and at proper place by taking the permission of Tribunal.

(b) The judgment debtor No.2 is prohibited from transferring or charging the said vehicle in any way and all persons from taking any benefit from such transfer or charge.

(c) The judgment debtor No.2 to attend the court on 01.04.2025 at 11.00 a.m. in this court to take the notice of the date to be fixed for settling the terms of the proclamation of sale of the said property.

(d) The copy of this order be sent to R.T.O., Dhule, for information.

(e) Inform the all concern accordingly.

(D.M.Aher)

Member,

Motor Accident Claims Tribunal,

(Court No.5),Dhule.

Date : 11.03.2025.

## CERTIFICATE

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

Name of the Stenographer : J.S.Jain.  
Name of the Court : Court of District Judge-5,Dhule  
Order directly typed on dias computer. : 11.03.2025.  
Order checked and signed by : 11.03.2025.  
Presiding Officer  
P.D.F. Uploading Date : 11.03.2025.

Sd/- xxx  
**Stenographer(Grade-I)**