

Order Below Exh.5 in MACP No.664/2019
(CNR NO.MH-DH-01-003106-2019)

This is an application under Section 140 of the Motor Vehicles Act for grant of compensation under no fault liability.

02. Petitioner is the person who sustained disablement in motor vehicle accident. It is contended that on 23-07-2019 at about 08:00 p.m. petitioner was waiting for bus in Sakri bus stand. At that time one S. T. Bus bearing No. MH-20/BL-3383 came in high speed and gave dash to the petitioner. The petitioner sustained serious injuries. His right leg was crushed under the front side wheel of said bus. The bus driver drove it rashly, negligently and in high speed. He sustained 100% permanent disability. The said vehicle was owned by opposite party No.2. Petitioner has claimed compensation under no fault liability.

03. Opposite party No.1 has failed to file written statement. Therefore, claim has proceeded without written statement against him. Opposite party No.2 has filed written statement and say at Exh.15 to application under section 140. According to the corporation the driver of bus was parking it in the quay. Passengers tried to secure seats. In an attempt to do so, petitioner lost balance and sustained injury on left side front tyre. He himself caused the accident and as such is not entitled to claim compensation.

04. Petitioner has submitted police papers. Accident report was lodged by bus driver. It is as per the defence raised in written

statement of the corporation. Police registered FIR on the basis of report of the petitioner. Offence was registered for rash and negligent driving against bus driver. It means involvement of bus is undisputed. Ownership of bus is undisputed. Petitioner has submitted disability certificate, which shows crushing of his right leg and thigh muscles and joints. The certificate calculates disability at 70%. Section 140 is governed by principle of no fault liability. At this juncture, fault/negligence need not be accessed. What is material is involvement of offending bus. Hence, petitioner is entitled for compensation. In result, I pass following order.

ORDER

- 1] Application is allowed.
- 2] Opposite party Nos. 1 and 2 shall pay jointly and severally an amount of Rs.25,000/-[Rupees twenty five thousand only] to petitioner within a period of one month from the date of this order.
- 3] On failure to deposit the amount within given period, opposite party Nos. 1 and 2 to pay the compensation amount with interest @ 7% p.a. on the said amount.
- 4] As per 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 saving bank 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)	Account Type	:-	Saving Account.
iv)	Account No.	:-	40709171826.
v)	IFSC Code	:-	SBIN0008254.
vi)	MICR Code	:-	424002955.

5] 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 claimant.

6] Petitioner is directed to furnish following individual details on 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 claimant with current address	
ii)	Name of the Bank & Branch	
iii)	Bank IFSC Code	
iv)	Bank Account Number of claimant	

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

8] On deposit of the amount, it be transferred to the bank ac-

count of petitioner as per aforesaid distribution as per directions of Hon'ble Supreme Court of India in Writ Petition Civil No.534/2020.

Date :- 21-04-2022.

(A.D.Kshirsagar)
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 : T. R. Pankhedkar.
Name of the Court : Court of District Judge-2 & Addl. Sessions Judge, Dhule.
[Member, M.A.C.T., Dhule]
PDF Uploading Date :- 21-04-2022.

Sd/-...
Stenographer(Gr.I)