

ORDER BELOW EXH.5 IN M.A.C.P.No.783 OF 2018

(Subhash Dipchand Khairnar + 1 ..V/s Jitendra Bhavrao Chaudhari +2)

(CNR NO.MHDH01003402-2018)

1. The petitioners have taken out an application under Section 140 of the Motor Vehicles Act, 1988 seeking interim compensation for the death of Bhushan Subhash Khairnar. The petitioner Nos.1 and 2 are parents of the deceased.

2. The petitioners stated that on 14.06.2018 at about 1:30 p. m., the deceased Bhushan Khairnar was riding motorcycle bearing No. MH-18-AT-1912. The offending vehicle i.e. Eicher Truck bearing No.MH-18-M-6055 was parked on the road without following and observing traffic rules, therefore, the above said motorcycle dashed to it due to which the deceased sustained fatal injuries and died. The respondent Nos.1 was rash and negligent. The respondent No.2 is the owner of the offending vehicle. Therefore, respondent Nos.1 and 2 are jointly and severally liable to pay amount of Rs.50,000/- under no fault liability to the petitioners. Hence, the application.

3. The respondent Nos.1 and 2 resisted the application by filing say at Exh.23, wherein they denied the truthfulness of the contentions in the application. They stated that the accident occurred because of negligence of the rider of the motorcycle. On above all contentions respondent Nos.1 and 2 prayed to reject the application.

4. Heard. Read the application. Perused the documents filed on record which consists of certified copies of F.I.R. dated 21.06.2018, spot panchanama, inquest panchanama, post-mortem report and registration certificate. Certified copy of F.I.R. shows that involvement of the offending vehicle in the alleged accident. Inquest Panchanama and P.M. Report shows that Bhushan Subhash Khairnar died in a vehicular accident. Petitioners have filed all documents as required by Rule 255 of the Maharashtra Motor Vehicles Rule, 1989. The present application is filed under Section 140 of the Maharashtra Motor Vehicles Act, therefore, it is not necessary to dwell upon enquiry as to whose negligence led the accident. In view of above discussion, I come to conclusion that the petitioners have made out a case for grant of compensation under Section 140 of the Maharashtra Motor Vehicles Act, 1988 therefore, they are entitled to compensation of Rs.50,000/-. In the result, following order.

ORDER

1. Application is hereby allowed.
2. Respondent Nos.1 and 2 shall jointly and severally pay compensation of Rs.50,000/- (Rs. Fifty Thousand Only) to the petitioners within a one month from the date of passing of this order.
3. The amount of Rs.50,000/- (Rs. Fifty Thousand Only) if deposited be paid in following ratio -

Petitioner No.1	Subhash Dipchand Khairnar	Rs.25,000/- (Rs. Twenty Five Thousand Only).
Petitioner No.2	Pramilabai Subhash Khairnar	Rs.25,000/- (Rs. Twenty Five Thousand Only).

4. In case of default, the compensation amount shall carry interest at the rate of Rs.8% per annum from the date of order till realization of the same.
5. The above amount be paid to petitioners by an account payee cheque.

(J. A. Shaikh)

Member

Motor Accident Claim Tribunal,
Dhule.

Date :- 17.02.2020

Certificate

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

Name of the Steno : B. T. Sonawane

Name of the Court : Ad-Hoc District Judge-1 & Asstt. Sessions Judge,

Dhule

PDF Uploading Date : 29-02-2020

Sd/-

Stenographer(G-II)