

M.A.C.P No.698/2022

(CNR No. MHDH010008992021)

ORDER BELOW EXH.5

(17.01.2025)

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. According to the applicants, deceased Vilas Vinayak Yeolekar was the driver in the Maharashtra State Road Transport Corporation. On 01.01.2021, while the deceased Vilas was driving the State Transport bus, at Chalisgaon Road Chaufuli, Dhule, truck bearing No.RJ-09/GC-5712 being driven rashly and negligently by respondent No.1 dashed the said bus. In the accident Vilas Vinayak Yeolekar sustained fatal injuries and succumbed to death. The petitioners are the dependents of deceased Vilas. Respondent No.2 is the owner whereas respondent No.3 is the insurer of the offending vehicle.
3. Respondents No.1 and 2 filed written-statement-cum-say to the application at Exh.17. Whereas, respondent No.3 filed written-statement-cum-say at Exh.16 resisting the application.
4. None appeared on behalf of respondents No.1 and 2 advance arguments. However, on behalf of respondent No.3 learned Advocate Shri. Vani argued that, no prima-facie case is made out to grant the interim compensation. Therefore, he requested to reject the application.
5. The first information report came to be lodged on the

same day of accident. It specifically mentions number of the offending vehicle and the manner in which the accident took place. The post-mortem report reveals that Vilas died due to haemorrhage and shock due to injuries sustained in the accident. The copy of insurance policy is also on record, which shows that the offending vehicle was insured with respondent No.3. In view of all these circumstances prima-facie case is made out to grant the interim compensation. Hence, order as follows is passed:-

ORDER

1. Application Exh.5 is allowed as under.
2. 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. Respondents No. 1 to 3 shall pay the amount as above mentioned on or before 03.03.2025, 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. 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.

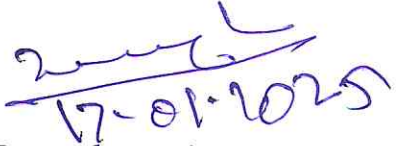
vi)	MICR Code	:	424002955.
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5. After making such deposit, the insurance company, shall also send a copy of the payment advice in the prescribed format as provided to the insurance company, to this Tribunal and also serve its copy on the petitioners.
6. 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 ;	
(ii)	Name of the Bank and Branch	
(iii)	Bank IFSC Code	
(iv)	Bank Account Number of the petitioners.	

7. The petitioners are directed to personally remain present at the time of furnishing the above said information.
8. 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 : 17.01.2025.


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

