

MHGA010016362018



BEFORE THE CHAIRMAN, MOTOR ACCIDENT CLAIMS TRIBUNAL,
GADCHIROLI

(Presided over by Shri. U.B.Shukla)

M.A.C.P No.111/2018

Exh.5

1. **Smt. Ranjanna wd/o Mohan Shinde,**
Aged about 26 Years, Occu.: Household,
2. **Ku.Shrawani d/o Mohan Shinde,**
Aged about 7 Years, Occu.: Education,
3. **Mst. Shivam s/o Mohan Shinde,**
Aged about 5 Years, Occu.: Education,
4. **Shri Nagoji Ganu Shinde, (Dead)**
5. **Sou.Savitribai w/o Nagoji Shinde,**
Aged about 55 Years, Occu.: Household,

All r/o.Nimdar Tola, Tah.Chamorshi,
Distt. Gadchiroli.

(Applicant Nos.2 to 4 being minors
through natural guardian Mother No.1)

...Claimants.

Versus

1. **Dhanraj S/o Damgambar Wannewar,**
Aged about 35 Years, Occu.: Business,
(Driver of Scorpio No.MH-34/AA-5717)

2. **Santosh S/o Manohar Bhandarwar,**
Aged about 35 Years, Occu.: Business,
R/o. Juna Bazar Chowk,
Tah.: Pombhurna, Distt. Chandrapur.
(Owner of Scorpio No.MH-34/AA-5717)

3. **The Branch Manager,**
Reliance General Insurance Co.Ltd.,
First Floor-119, Ayoddhya Building,
Bajajnagar, Nagpur.

...Non-applicants.

O R D E R (Below Exh.5)

(Passed on 20th day of August 2021)

1] This is an application for grant of compensation under section 140 of the Motor Vehicles Act, 1988 filed by the legal heirs of deceased Mohan Nagoji Shinde.

2] As per the claimants, the accident took place on 7.5.2018, at 7.30 p.m., on main road of Bagdara to Jaynagar, near the field of one Vasant Yenganwar, within the jurisdiction of the Chamorshi Police Station. As per the claimants, Yadav Nagoji Shinde, brother of Mohan Nagoji Shinde was riding the motorcycle bearing No.MH-33/E-6181 and was proceeding towards Chamorshi along with pillion rider his cousin Rupesh Raut and deceased Mohan Nagoji Shinde. As per the claimants, when Yadav Nagoji Shinde reached Bagdara-Jaynagar main road, near the field of one Vasant Yenganwar, Scorpio vehicle bearing registration No.MH-34/AA-5717 driven by non-applicant no.1 Dhanraj suddenly dashed **from** the opposite direction. The non-applicant no.1 was driving the Scorpio vehicle at high speed and in rash or negligent manner. Due to the dash given to the motorcycle,

the deceased received severe injuries on his head, chest and abdomen and his brother Yadav Shinde also received serious injury. Both died on the spot.

3] The claim made in the application finds support in Form Comp.AA, the copy of FIR and copy of the post mortem report.

4] Non-applicant no.1 is driver of the vehicle causing accident whereas the non-applicant no. 2 is owner of the vehicle. They have filed their reply at Exh 13 opposing the application.

5] The non-applicant no.3 Reliance General Insurance Company has opposed the application vide Exh.20. As per the non-applicant no. 3, the accident involved two vehicles when they collided head on and it is possible that the accident may occurred due the negligence of the deceased.

6] The question of negligence need not be considered, at this stage and the Tribunal is not called upon to consider the question of negligence while deciding the application for payment of compensation under No Fault Liability. The contention made by the claimants are supported by the documents placed on record. They would show that deceased Mohan Nagoji Shinde died in vehicular accident arising out of use of motor vehicle bearing registration No.MH-34/AA-5717 on a public road. In the accident the death of Mohan Nagoji Shinde is caused. The claimants are the legal heirs of the deceased and therefore they are entitled to claim compensation under section 140 of the Motor Vehicles Act. Hence, I proceed to pass the following order.

-ORDER-

1. The application is allowed.
2. Non-applicant nos.1 to 3 do jointly and severally pay the amount of Rs. 50,000/- towards the compensation under Section 140 of the Motor Vehicles Act, 1988 within the period of 30 days from the date of this order. On failure to pay the amount within such period, the non-applicants no.1 to 3 shall be liable to pay interest at the rate of 6% per annum.
3. This amount of compensation may be taken into consideration while deciding the final claim.

Date : 20.08.2021

Sd/-
(U.B. Shukla)
Chairman
Motor Accident Claims Tribunal,
Gadchiroli