

Order below Exh.5 in M.A.C.P. No.178/2022
Asaram & Oth. Vs. Arjun & Oth.

Heard learned advocate Smt.Pallavi Kingaonkar for the claimants and learned advocate Shri.P.M.Parihar for the insurance company. None present for respondent No1. The learned counsel for the claimants pointed out that the A.D. papers dated 03.02.2022 and 19.02.2022 as well as F.I.R. dated 07.03.2022 and spot panchnama dated 08.03.2022. She pointed out the postmortem examination report dated 03.02.2022 in respect of Kausabai Asaram Panjge who was pillion rider on the motorcycle which has been dashed by another motorcycle.

2. The learned counsel Shri.Parihar opposed the application. He pointed out that there is delay in lodging First Information Report as the accident is dated 27.01.2022 and provisional postmortem examination report is dated 02.02.2022 while final postmortem examination dated is 03.02.2022. I questioned the learned counsel Smt.Kingaonkar for the delay on which she stated that the documents of A.D. case were

received late by the police station. Normally if such is the reason it is mentioned in the F.I.R. In the present case, the F.I.R. does not specify such reason for the delay. The F.I.R. is by the injured Janardan himself who stated that he took treatment for 7 days and during treatment his mother Kausabai died. However, report has been lodged on 07.03.2022. The delay of 5-10 days or 13 days is understood. In the present case, the delay is considerable more. In case it is found that the vehicle has been planted the claim petition will have to be dismissed and it will be difficult to recover the amount from the claimants. Hence, prima facie it appears that the delay is explained only till 10-15 days and F.I.R. does not show the delay due to late receipt of A.D. inquiry papers from the concerned police station.

3. So far as the document at serial No.1 is concerned, it is addressed by Police Station Police Chowky, Ghati Dawakhana, Aurangabad to Police Station Begampura, Aurangabad, which does mention of motor vehicular accident. However, involvement of another vehicle is not mentioned. The same will have to be said about documents at serial No.2 which is requisition by Police Station Begampura, Aurangabad for

postmortem examination. The document at serial No.3 is dated 19.02.2022. It is addressed by Police Station Begampura, Aurangabad City to Police Station, Partur forwarding the A.D. inquiry papers which mentions the enclosures as F.I.R., letter by Medical officer, inquest panchnama, question and answer form, provisional report, receipt of handing over of dead-body. However, the F.I.R. mentioned therein has not been filed. Though the said document dated 19.02.2022 and it will upto to that period also can be said to have been explained, remains that copy of said F.I.R. is not placed on record that F.I.R. lodged with Police Station, Partur on 07.03.2022. As such, whether another vehicle is involved prima facie comes in shadow of doubt. As such, prima facie case is not made out for N.F.L. compensation. Hence, following order:

ORDER

The application Exh.5 is rejected.

Sd/-

(A.G.Joshi)

Member,

Motor Accident Claims Tribunal,
Jalna.

Date : 15.01.2024