

Order below Exh.5 in MACP No.119/2018

(Rama & Ors. Vs. Revand & Ors.)

The applicants have prayed for compensation of Rs. 50,000/- under the head of 'no fault liability'.

2. According to the applicants, the accident took place on 20/05/2018 at about 21.00 hours at village Bramhanath Tanda on Jalna to Jintur road. On that day the deceased Abarao Eknathrao Suryawanshi was travelling in police jeep No. MH 21 L 0480 and he was on scotting duty during the tour of Hon'ble Minister Shri Arjun Khotkar. At about 21.30 hrs. while their jeep was at village Bramhanath Tanda, at that time due to rash and negligent driving of the jeep by respondent no.1, the said jeep was turned turtle and the deceased and other occupants of the jeep sustained injuries. Immediately, the deceased was taken to Sanjeevani hospital Jalna but his condition was serious, so he was referred to Aurangabad and was admitted to Signam Hospital Aurangabad. During treatment he died on 29/05/2018.

3. Respondent no.1 was the driver, which is under control and ownership of respondent no.2 and the government vehicles are being insured with respondent no.3. Claimant no.1 is the wife, claimant no.2 and 3 being daughter and claimant no. 4 is the minor son of the deceased Abarao. They have prayed for compensation under the head of no fault liability from respondent nos. 1 to 3. 2.

4. Respondent no.1 filed say (Exh.24) and opposed the application. All the contentions made in the application are denied in

toto. It is specifically denied that there was no any fault on the part of respondent no. 1. At the time of accident respondent no.1 was discharging his duty for respondent no. 2. Accordingly, prayed that application may be dismissed against him.

5. Respondent no.2 and 3 filed their say (Exh.27) and opposed the application. All the contentions made in the application are denied in toto. It is contended that on 20/05/2018 govt. Jeep No. MH 21 L 0480 was given for scotting of Hon'ble Minister Shri Arjun Khotkar. While they were returning from Parbhani there was a jumping road near village Bramhanath Tanda. Due to the said jumping road the speed of the vehicle was not controlled by respondent no.1 and it was turned turtle. There was no any fault on the part of respondent no. 1. Accordingly, they prayed that application may be dismissed against them.

6. The papers annexed with the petition show involvement of the police jeep No. MH 21 L 0480 in the accident in question. It was owned and under control by respondent no.3 and respondent no.3 was insurer of the said jeep at the time of the accident. Therefore, the respondent nos. 1 to 3 are liable to pay compensation under no fault liability to the applicants.

7. As seen from the copy of inquest panchanama and postmortem report on record the deceased Abarao sustained injuries in motor accident and died during the treatment. There is nothing on

record on the basis of which respondent nos. 1 to 3 can deny their liability to pay compensation to the applicants under the head of no fault liability. The applicants are entitled to get compensation Rs.50,000/- under the head of no fault liability from respondent nos.1 to 3. In the result I pass the following order-

ORDER

1. Respondent nos.1 to 3 do pay Rs.50,000/- (Rs. Fifty Thousand only) jointly or severally to the applicant nos. 1 to 4 within a period of one month from the date of this order, failing which they would be liable to pay interest @7%per annum on the said amount from the date of the application i.e. 17/08/2018 till realization thereof.
2. The applicant nos. 1 to 4 are liable to receive the above said amount equally.
3. The above mentioned amount be paid to the applicants by account payee cheque after depositing necessary court fees.

Date 29/06/2022.

(S.D. Bhagat)
Member, MACT, Jalna.

C E R T I F I C A T E

I affirm that the contents of this PDF file are word to word as per original order.

Name of Stenographer - D.M.Gaikwad
Name of the Court - District Judge -5, Jalna
Date - 29/06/2022.

Sd/-

Signature of Stenographer