

(1)

M.A.C.P.No.122 of 2018,
Shivnath Vs. Ram & Ors.

ORDER BELOW EXH.5

. This application is preferred for grant of interim compensation of Rs.25,000/- under section 140 of Motor Vehicles Act.

02. The applicant sustained grievous injuries in a motor vehicular accident on 01.03.2018. This 'No fault liability' application is preferred with submissions that on 01.03.2018 at about 1.45pm, applicant along with his grand-father were going on foot from Jalna to Nhava, and when they reached near Assam Tea Company, at that time a vehicle i.e. car bearing R.T.O. registration no. MH-21-V-0702 came from Nhava side in a rash and negligent manner and gave dash to the applicant, due to which, grievous injury is caused to the applicant.

03. The non-applicant No.1 is the and driver, non-applicant no.2 is the owner and non-applicant No.3 is the Insurance Company of the offending car.

04. Non-applicants no.1 and 2 resisted the claim by filing their Say (Exh.14) on the grounds mentioned therein. They denied that, accident was the outcome of his rash and negligent driving.

(2)

05. Non-applicant No.3 also resisted this claim application vide its Say at Exh.19. All the adverse contentions of the applicant are denied in toto.

06. It is the trite law that, while dealing with 'No fault liability' application, which is preferred under section 140 of the Motor Vehicles Act, the applicant only had to show the prima-facie factors of injuries sustained in an accident out of use of the motor vehicle. At this stage, the applicant is not required to plead or prove any wrongful act, negligence or default of owner or driver of the said vehicle. Thus, the claim for compensation is not defeated by reason of any wrongful act, negligence or default. Prima-facie from the documents on record, it appears that applicant has sustained grievous injuries in a vehicular accident and therefore he is entitled for grant of interim compensation of Rs.25,000/- from the non-applicants. Hence, I pass following order.

ORDER

1. Application Exh. 05 is allowed.
2. Non-applicants No. 1 to 3 shall jointly and severally liable to pay compensation of Rs.25,000/- (Rs. Twenty-five Thousand Only) to the applicant within 30 days from the date of this order (excluding the period required for obtaining certified copy as per rules), failing which they shall be liable to pay interest on the said amount at the rate of 7.5 % per annum from the date of this order.

(3)

3. Applicant shall affix deficit court fee stamps on the valuation of the claim u/s 166 of the M. V. Act, if not already affixed.
4. Application is disposed of accordingly.

Date.09/08/2023

(Kishore M. Jaiswal)
Member
Motor Accident Claim Tribunal
and District Judge – 3,
Jalna.