

MHJN010036432019



ORDER BELOW EXH.05 IN M.A.C.P. NO.172/2019

[Panditrao Narwade & oths. V/s. Santosh Sapkal & Anr.]

1. This is an application u/s.140 of the Motor Vehicles Act for grant of interim compensation of Rs.50,000/- towards 'no fault liability'.

2. Applicant no.1 is father, applicant no.2 is mother and applicants no. 3 and 4 are brothers of deceased Nilesh s/o. Panditrao Narwade. On 28/11/2018 at about 14:00 hours deceased Nilesh was proceeding towards his village Pimpalgaon Renukai on his Unicorn motorcycle bearing registration No. MH-28-AW-5434, at that time Cruiser Trax bearing registration no. MH-19-BJ-2653 came in high speed and in negligent manner from his front side and gave dash to his motorcycle in which deceased Nilesh sustained grievous injuries and he died on the spot. Respondent no.1 is driver and owner of Cruiser Trax bearing registration no. MH-19-BJ-2653. Respondent no.2 is insurance company of the Cruiser Trax bearing registration no. MH-19-BJ-2653.

3. Respondent no.1 appeared before Court, but failed to file his written statement, therefore claim petition proceeded without his written statement.

4. Application is strongly opposed on behalf of respondent no.2 by filing their written statement at Exh.19, by denying all allegations made in the application.

5. Heard, arguments on behalf of applicants and respondent no.2.

6. Upon hearing parties and from perusal of documents on record, it prima facie appears that accident in question took place due to rash or negligent driving of Cruiser Trax bearing registration no. MH-19-BJ-2653 by its driver in which death of Nilesh was occurred in a vehicular accident. Admittedly, respondent no.1 is driver and owner of offending vehicle and respondent no.2 is insurance company of offending vehicle.

7. According to respondent no.2, they are not liable to pay compensation as false crime is registered against respondent no.1 though the Jeep was not involved in the accident. In my opinion, this is an application for interim compensation towards 'no fault liability',

therefore, defences put forth cannot be considered at this stage. Therefore, I am of the view that respondent no.1 and 2 are jointly and severally liable to pay interim compensation of Rs.50,000/- to the applicants. Hence, the following order.

ORDER

1. Application is allowed.
2. Respondent no. 1 and 2 are directed to deposit jointly and severally an amount of Rs.50,000/- in this Tribunal as interim compensation under 'NFL' within one month from the date of this order, failing which the amount of compensation will fetch interest @ 9% p.a. till its realization.
3. After deposit of amount of interim compensation, it be apportioned equally amongst the applicants.
4. Applicants to comply order passed below Exh.7.
5. Interim Award be drawn up accordingly.

Date : 31.01.2022

(Smt. S. K. Keole)
Chairman, MACT,
Jalna.

Certificate

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

Name of the Steno : A.P.Deshmukh
Name of Court : Principal District & Sessions Judge,
Jalna
Date : 01.02.2022

Sd/-
Stenographer Grade-1