



**M.A.C.P.No.15/2020**  
(CNR No.MHK0010000572020)

**ORDER BELOW EXH.5**

1. Read the application. Perused say filed by opponent No.1 to 3 vide Exh.14. Heard Ld. counsel of both parties.
2. On going through the record it reveals that the present application is moved by the applicant for seeking compensation of Rs.25,000/- as per section 140 of the Motor Vehicles Act under the head "No Fault Liability." It is submitted on behalf of the applicant that on 01-11-2019 at about 5-30 p.m. The applicant Jaypal Bandu Bhojkar was traveling in S.T.Bus No.MH-14/BT-1116 and reached at Patil Nagar bus stop. The applicant got down from the said bus and started proceeding as a pedestrian. However, the bus driver i.e. opponent no.3 rashly and negligently started bus and took ahead in high speed. Due to which left back wheel of the said bus ran over right foot of the applicant and he sustained crush injury and right foot below knee amputation. He was immediately admitted to City Hospital for his accidental injury and three operations have been taken place. The applicant sustained medical expenses of Rs.2,50,000/- and sustained permanent disability. It is further contended that at the time of accident the opponent No.1 was owner, the opponent No.2 was insurer and opponent No.3 was driver of the offending bus No.MH-14/BT-1116. Hence, the applicant has prayed for compensation of Rs.25,000/- under the head "No Fault liability" from the opponent No.1 to 3 jointly & severally.
3. The opponent No.1 to 3 resisted the application by way of

filing their say vide Exh.14, interalia denying contentions in the application. The opponents denied place, date and time of alleged accident. It is submitted that the said bus was stopped for alighting the passengers and after giving bell by the conductor the driver started his bus for proceeding towards Kolhapur side. However, due to hue and cry of the people the bus driver stopped the bus and got down. The applicant edged person due to his dizziness sat down on the road. There is no dash of the S.T.Bus to the applicant but the applicant himself is responsible to the accident. Therefore, opponents are not liable to pay interim compensation to the applicant. Hence, prayed for rejection of application.

4. Having regard to the arguments advanced by the Ld. counsel of both parties and taking into consideration the relevant documents, it appears that, the applicant has filed on record the documents vide Exh.-3 viz. The first information report dated 01-11-2019, the statement of Padmakar Jaypal Bhojkar dated 01-11-2019, the spot panchanama dated 02-11-2019, letter of City hospital Kolhapur dated 01-11-2019, discharge summary of City Hospital, Kolhapur dated 22-11-2019, R.C. book of S.T.Bus No. MH-14/BT-1116 dated 03-09-2020 etc. Besides this the applicant also produced on record the permanent disability certificate dated 13-03-2020 vide Exh.13.

5. In the light of above circumstances and considering the police papers & relevant documents on record it prima-facie appears that due to vehicular accident dated 01-11-2019 the applicant Jaypal Bandu Bhojkar sustained 60% disability. Similarly it prima-facie seen from the documents on record that at the time of accident the offending vehicle bearing No. MH-14/BT-1116 is owned by opponent

No.1, insured with opponent No.2 and driven by opponent No.3. Therefore, in the interest of justice, I am inclined to allow the application partly and proceed to pass following order.

**ORDER**

- (1) The application is partly allowed.
- (2) Opponent No.1 to 3 are jointly and severally do pay Rs.25,000/- (Rs. Twenty Five Thousand Only) under No Fault Liability to the applicant, 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 this order till its realization by account payee cheque.

Order dictated and pronounced in open court.

Date :- 15-03-2021.

(Dr. Anita Newase)  
Member,  
Motor Accident Claim Tribunal,  
Kolhapur.