

MHKO010007732020



ORDER PASSED BELOW EXH.5 IN M.A.C.P.No.61/2020

(Balabai Dnyanu Patil Vs. Shivaji Balaku Patil)

1. The petitioners have filed this petition claiming interim compensation amount of Rs.50,000/- on account of death of deceased Dnyanu @ Dnyandev Ramji Patil in motor vehicle accident on dated 07.10.2019 due to the rash or negligent driving of Splendor Plus motorcycle bearing No.MH-09/EB-0780 owned by the respondent No.1.
2. Learned Advocate for the petitioners argued as per the application. Respondents served with the notices but failed to appear before the Tribunal. Thus, the petition proceeded ex-parte against them.
3. Perused the documents including true copies of F.I.R., the information, spot panchanama, inquest panchanama, death summary, postmortem report, RC book of Splendor motorcycle bearing No.MH-09/EB-0780 etc.
4. The execution of documents produced on record has not been objected as respondents failed to appear before the Tribunal & the petition proceeded ex-parte against them. There is prima-facie evidence showing the involvement of the above said vehicle owned by respondent No.1 in the alleged accident, and alleged accident has been occurred due to rash or negligent driving of the driver of said vehicle. The objections so far raised will be the subject of trial & adjudication. Therefore, there is no

hesitation to grant interim compensation amount of Rs.50,000/- under the principles of no fault liability as per Section 140 of the Motor Vehicles Act. Tribunal do not find any hesitation therein while entertaining this application under the principles of 'No Fault Liability'. It follows order :

ORDER

1. Application is allowed.
2. The petitioners are entitled to get interim compensation amount of Rs.50,000/- (Rs. Fifty Thousand only) from the respondent within one month.
3. On depositing the compensation amount before this Tribunal, it be given to the petitioners by account payee cheque after due compliance as directed.
4. As per the directions of the Hon'ble Supreme Court in Writ Petition (Civil) No.534/2020 dated 16.03.2021 and the judgment of Hon'ble Madras High Court in Civil Misc. Appeal No.428/2016, the respondent is directed to deposit the aforesaid awarded amount in the following Saving Bank Account of this Tribunal :

1)Name of Tribunal bank Account	The Member, Motor Accident Claim Tribunal, Kolhapur
2) Bank Name	State Bank of India, Treasury Branch, Kolhapur
3) Type of Account	Saving Account
4) Account No.	40819980059
5) IFSC Code	SBIN0007249

5. Petitioner is directed to furnish following individual details on separate sheet along with photocopy of first page of their/her Bank Passbook containing photograph of the petitioner and PAN Card, (if any)
 - (i) Full name of the petitioner and current address.
 - (ii) Name of the bank and branch.
 - (iii) Bank IFSC Code.
 - (iv) Bank Account Number of petitioner.

6. Petitioner is directed to personally remain present at the time of furnishing the above said information for personal verification before the concern.
7. Interim award be passed.

Place : Kolhapur.

Date : 22.08.2022.

(H.A.S.Mulla)

Member, Motor Accident Claims Tribunal,
Kolhapur.