

MHKO010013432023



ORDER PASSED BELOW EXH.5 IN M.A.C.P.No.236/2023

(Smt.Vaishali Amol Powar and Ors. Vs. Sikandar Mhamulal Yalkudre & Ors)

1. Present application is filed by the applicants for interim compensation of Rs.50,000/- on account of death of Mr. Amol Powar in vehicular accident dated 10/02/2022. It is stated that on that day, Amol was proceeding along with his wife on his motorcycle bearing No. MH-09-EV-4838. When they reached near village Tambale, one Ashok-Leyland Truck bearing MH-09-EM-9986 came from opposite direction and gave a dash to his motorcycle in rash and negligent manner. Due to said dash, Amol and his wife both fell on the road and sustained multiple injuries. Amol was taken to hospital, but he succumbed to injuries on 12/02/2022. Bhudargad police have registered C.R.No.34/2022 against driver i.e. Opponent No.3. Opponent No.1 was owner, opponent No.2 was insurer of the offending vehicle.

2. Opponent Nos.1 and 3 did not file any say/ W.S.

3. Opponent No.2 filed say and written statement at Exh.19 and contested on the ground of breach of terms and conditions of the insurance policy and negligence of the deceased.

4. Heard Ld. Advocate for the applicants and Ld. Advocate for Opponent No.2. None remained present for opponent Nos. 1 and 3 in spite of ample opportunity.

5. On perusal of documents, F.I.R. shows involvement of both the vehicles i.e. motorcycle of the deceased as well as offending truck. FIR and spot panchnama support the case of the applicants in respect of the accident. Inquest panchnama shows that Amol Powar died due to injuries sustained in accident. The applicants have filed their Aadhar Cards to show that they are legal representatives of the deceased.

6. Prima facie, evidence shows involvement of both the vehicles in said accident. The issue of negligence can be decided after evidence and on merits. The accident has occurred prior to amendment of Motor Vehicles Act 1988 which came into effect from 01/04/2022. Therefore, I consider it proper 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. Hence, I pass following order.

ORDER

1. The application is allowed.
2. Opponent Nos.1 to 3 do jointly & severally pay interim compensation amount of Rs.50,000/- (Rs. Fifty Thousand only) to the applicants within one month from today.
3. On depositing the compensation amount before this Tribunal, it be given to the applicants on due verification as per procedure.
4. Interim award be drawn.

Place : Kolhapur.
Date : 19/11/2024.

(Mrs.Aparna S. Waikar)
Member, Motor Accident Claims Tribunal,
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs. S. R. Tambvekar
Name of Court	Smt. Aparna S. Waikar, Member, MACT Kolhapur.
Date of Dictation	19/11/2024
Order signed by the P.O. on	19/11/2024
Order uploaded on	19/11/2024