



M.A.C.P. NO. 391/2018
(CNR No. MHK0010034182018)

ORDER BELOW EXH.5

1. Read application. The matter proceeded without written statement against the opponent No.1 & 2. Heard Ld. Counsel of both parties.
2. The present application is moved by the applicant under section 140 of the Motor Vehicles Act under the head "No Fault Liability." According to the applicant on 02-09-2017 at about 9-00 a.m. Sanjay @ Shrikant Arjun Patil was proceeding on his motorcycle bearing No.MH-09/TC-300 towards Kolhapur from village Ghunaki from correct side of the road. When he reached near Kini Toll Naka, the Eicher Tempo bearing No.MH-10/AQ-2934 came from behind in high speed, rash & negligent manner and dashed the said motorcycle. Due to the said dash Sanjay @ Shrikant Arjun Patil fell down on the road and died on the spot due to accidental injuries. At the time of accident the opponent No.1 was owner & the opponent No.2 was driver of the offending vehicle Eicher Tempo bearing No.MH-10/AQ-2934. Accordingly the applicant prayed for compensation of Rs.50,000/- under the head "No Fault Liability" from opponent No.1 & 2.

3. It is seen from the record in spite of giving sufficient opportunity to the opponent No.1 & 2, they have not filed their written statement therefore my Ld. Predecessor has passed order below Exh.1 and proceeded the matter without written statement.

4. In view of the argument advanced by the Ld. Counsel of the applicant and taking into consideration the relevant documents, it appears that, the applicant has filed on record the documents vide Exh.-6 viz. F.I.R. dated 02-09-2017, spot panchanama dated 02-09-2017, inquest panchanama dated 02-09-2017, cause of death certificate dated 02-09-2017, R.C. book of Tempo bearing No.MH-10/AQ-2934, Adhar card of the applicant, Driving licence of the opponent No.2 Sagar Shivaji Mali etc.

5. In the light of above circumstances and considering the relevant documents on record it prima-facie appears that deceased Sanjay @ Shrikant Arjun Patil died in vehicular accident. It further reveals from the record that the opponent No.1 was owner of the offending vehicle bearing No.MH-10/AQ-2934 which was driving by opponent No.2 at the time of accident. Therefore in view of Section 140 of Motor Vehicles Act the applicants are entitled for interim compensation. Accordingly I am inclined to allow the application and proceed to pass following order.

ORDER

(1) Application is allowed.

- (2) Opponent No.1 & 2 are jointly and severally do pay Rs.50,000/- (Rs. Fifty Thousand Only) under No Fault Liability to the applicants, 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.
- (3) Order dictated and pronounced in open court.

Dt. 02-12-2021
Kolhapur.

Sd/-
I/c Ad-hoc District Judge-1,
Kolhapur.