



ORDER PASSED BELOW EXHIBIT NO.5
IN MOTOR ACCIDENT CLAIM PETITION
NO.513/2017
[CNR NO :- MHKO010043222017]

01. This application is moved for the relief of grant of compensation towards no-fault liability under Section 140 of the Motor Vehicles Act, 1988 on account of injury caused to applicant in accident occurred on 12.07.2017 and the opponent No.1 as the owner of the vehicle involved in the accident, in the consequences, the opponent No.2 as driver of the vehicle belonging to opponent No.1 are liable for payment of compensation. The opponent No. 1 and 2 have not appeared in petition and not filed their written statement. Hence, petition proceeded ex-parte against them.

02. Heard Advocate for the applicant. The applicant submitted that the vehicle involved in the accident is owned and driven by opponents and the applicant is entitled to get amount under the principle of no-fault liability.

03. In view of submissions, I have gone through police papers in respect of motor accident which is produced under list at Exhibit No.6. From the spot panchnama at Exhibit No.6/2 it reveals that the vehicle i.e. Indica car bearing Registration No.MH-15-AS-7350 involved in the accident. It is fact on the record that the said Indica car is of

opponent No.1 reveals from certificate of registration of vehicle under list at Exhibit No.6/4. The First Information Report, hospital papers, panchnama are showing the applicant met to an accident. The accident in question occurred on 12.07.2017 reveals from police papers. The applicant sustained permanent disability 20% reveals from disability certificate at Exhibit No.12/1. The vehicle which is reason behind the injuries and disability caused to applicant, is in the name of the opponent No. 1 and the said vehicle is driven by opponent No. 2 on the date of the accident. Prima-facie it reveals that opponent No. 1 is vicariously liable for act of driver. The provision of compensation under the principle of no-fault liability is a socio-welfare scheme for getting immediate relief and because of that, the applicant has to entitle for immediate relief for the safeguard of his livelihood and life. Thus, the applicant is entitled to compensation under the principle of no-fault liability. The applicant sustained permanent disability in the accident and because of that, the applicant is entitled fixed amount of Rs.25,000/- as the amount of no-fault liability with the consequential relief on the failure of opponent to deposit the amount. Thus, I pass following order.

-: O R D E R :-

[i] Application is allowed.

- [ii] The opponent No. 1 & 2 jointly and severally shall pay to the applicant an amount of **Rs.25,000/- (Rs.Twenty Five Thousand only)** as interim compensation, they shall deposit such amount within two months and if they fail to deposit, the applicant is entitled to the interest on amount of Rs.25,000/- at the rate of 7 % p.a from the date of filing of this petition to till realization or deposit of such amount in the Court.
- [iii] The opponent No. 1 & 2 are directed to deposit the amount through cheque or NEFT in the Court in the name of applicant.
- [iv] Interim award be drawn up accordingly.

Sd/-

Date :- 20th March, 2019.

(**B. D. Kulkarni**)
Member, MACT., 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 :- Ganesh Dhondiram Jadhav.
Name of Court :- Shri. B. D. Kulkarni,
Member, MACT, Kolhapur.
Date of Dictation :- 20. 03. 2019.
Order signed by the P.O. on :- 20. 03. 2019.
Order uploaded on :- 20. 03. 2019.