

MHKO080005152022



Order below Exh.No.5 in M.A.C.Petition No.15/2022.

(Prakash Dundappa Jadhav V/s. Malgonda Pargonda Patil & Anr.)

1. The present application is filed under section 140 of the Motor Vehicles Act to get compensation under 'no fault liability.'
2. The learned advocate for the applicant submitted that when the applicant was attending natural call, opponent came in a rash and negligent manner by driving motorcycle bearing registration No. MH-09-FE-0654 (hereinafter called as 'offending vehicle'). He gave dash to the applicant. Hence, applicant sustained grievous injury to the left leg. Said injury resulted into permanent disability. After the treatment, he cured. He sustained the permanent disability of 40%. Hence, present application is filed for compensation.
3. No one appeared for respondents. Hence, there is no reason to disbelieve on the submission of applicant.
4. On perusal of permanent disability certificate, it finds that petitioner sustained permanent disability of 35% and functional disability of 40%. Prima faice, there is no material to disbelieve on said certificate. Hence, application is allowed. Respondent No.1 being driver and owner of offending vehicle liable to pay compensation. On perusal of record, it finds, that offending vehicle is insured with respondent No.2. Hence, respondent No.2 is also liable to pay compensation. Therefore, the following order is passed.

ORDER

1. The application at Exh.5 is allowed.
2. Respondent Nos.1 and 2 are directed to pay jointly and severally compensation of Rs.25,000/- (Rs. Twenty Five thousand only) to the petitioner vide Section 140 of the Motor Vehicles Act.
3. The respondents are directed to deposit the compensation within a period of one month from today. If the respondents failed to deposit the compensation within one month, they are liable to pay interest @ 7 % per annum till realization of the entire amount.
4. On deposit of the aforesaid amount, it shall be paid to the petitioner on due authorization by account payee cheque or be digitally transferred in his bank account.

Date: 28/03/2023.

(**Onkar R. Deshmukh**)
Member, M.A.C.T., Gadhinglaj.