

**Order below application vide Exh.5 for interim compensation
under 'No Fault Liability' under Sec. 140 of M. V. Act.
(Passed on dated 8th Jan., 2024)**

1. The claimants have filed this petition under Section 140 of the Motor Vehicles Act, 1988 claiming Rs.50,000/- towards interim compensation under the principle of 'No Fault Liability' due to death of Sadashiv Gundappa Bawage, husband of claimant No.1, father of the claimant Nos.2, 3, 4 and son of claimant Nos. 5 & 6.
2. It is contended that, on 10.5.2019 at or about 21:00 hours deceased was proceeding towards village Bori on Motorcycle Rajdut. When he came near field of Hanmant Gurme on Mamdapur-Nanded road, at that time vehicle Shivshai Bus bearing RTO No.MH-29 BE-2057 came in wrong side and gave dash to the motorcycle. So, the motorcycle rider sustained multiple injuries. He was taken to the Hospital, but he succumbed to the injuries on the way to the Hospital.
3. The respondent Nos.3 & 4 filed written statement vide Exh.12 & 26 and have taken the defence that, the deceased himself was negligent, with other defences.
4. Heard Ld. Advocate appearing for the claimants and the respondent Nos.3 & 4. Gone through the material on record.
5. The claimants have filed this petition under Section

140 of the Motor Vehicles Act and they have claimed the amount of interim compensation on the principle of 'No Fault Liability'. The burden upon the claimant's is only to establish the fact that, the deceased died in vehicular accident.

6. To establish the fact of vehicular accident of the deceased, the claimants have produced on record the FIR, spot panchanama, inquest panchanama and postmortem examination report. On perusal of the FIR, it appears that, immediately after the alleged accident, FIR has been lodged by the father of the deceased. In the FIR, the RTO number of vehicle Rajdutt Motorcycle has been mentioned as MH-24-6881. On perusal of spot panchanama, it appears that, it was immediately drawn after the incident and at that time, the vehicle Rajdutt motorcycle was lying on the spot. On perusal of the statement of witness Sachin Satish Sugaonkar, alleged eye witness, it appears that, he witnessed the incident of giving dash by Shivshahi vehicle bearing RTO No.MH-29 BE-2057 to the motorcycle bearing RTO No.MH-24-6881. On perusal of inquest panchanama and postmortem examination, it appears that deceased died due to multiple injuries in road accident. This evidence on record prima-facie established that, deceased died in vehicular accident. In such circumstances, claimants are entitled for fixed compensation of Rs.50,000/- as per the provisions of Section 140 of the Motor Vehicle Act. Hence, following order.

ORDER.

1. The application is hereby allowed.

2. Respondent Nos.1 to 4, jointly & severally, shall pay an amount of Rs.50,000/- (Rupees Fifty Thousands only) towards the compensation under 'No Fault Liability' to the claimants, within the period of Thirty days from the date of this order, if failed the said amount will carry interest @ 6% p.a. from the date of application.
3. The claimant Nos.1 to 6 shall be entitled to get the equal share in awarded compensation amount, and the said compensation amount shall be paid to the claimant Nos.1 to 6 by Account Payee Cheques /NEFTs.
4. Respondents shall deposit the N.F.L. amount by NEFT/RTGS in Saving Bank Account No. 40777681930 in the name of District Judge and Ex-Officio Member of M.A.C.T., Latur, IFSC Code No.SBIN0021055, MICR Code No.413002058, State Bank of India, Branch Collectorate Complex, Latur.
5. On depositing the abovesaid NFL amount, respondents shall intimate the same to this Tribunal by letter or Email, with particulars such as M.A.C.P No., name of parties, name of claimants and amount payable to claimants etc.
6. Claimants are directed to furnish the xerox copies of first page of his **Bank Passbook** having the Seal of the Bank and signature of Branch Manager, drawn at any Nationalized Bank, **Annexure-A** having the complete information of his Bank Account including the type of Bank Account, name of Bank and Branch, address of Bank, Bank Branch Code, IFSC Code and MICR Code, under the seal & signature of Branch Manager of the concerned Bank, xerox copies of their **Adhar Card, Pan Card & Passport size photograph**, in order to deposit the NFL amount in his Bank Account by NEFT/RTGS.
7. An interim Award be drawn-up accordingly.

Dated : 8.1.2024.
Latur

Sd/-
(D. B. Mane)
District Judge-3 and
Ex-Officio Member, Motor Accident
Claims Tribunal, Latur.