

CNR NO.MHLA010026262021

M.A.C.P No.194/2021
Sweta Vs. Santosh+ 1

Order below application vide Exh.5 for interim compensation
under 'No Fault Liability' under Sec. 140 of M. V. Act.
(Passed on dated 6th Jan., 2024)

This is an application under Section 140 of the Motor Vehicles Act, 1988 claiming compensation on the principle of 'No Fault Liability' due to permanent disablement in a vehicular accident.

2. It is contended that, on 5.1.2021 at or about 8 :00 p.m., the claimant and her sister had been to grocery shop near Suleman Function Hall on AUSA-Tuljapur Road to purchase toffees and while they were crossing road, at that time the respondent No.2 driving motorcycle bearing RTO No.MH-24-BF-4307 in rash & negligent manner and gave forceful dash to the claimant and her sister and they sustained severe injuries.

3. The respondent No.3 filed written statement & reply vide Exh.21 and denied the averments in the petition. It is asserted that, the respondent No.1 has committed breach of terms and conditions of policy and the respondent No.2 was driving motorcycle without having valid and effective driving license.

4. Heard Ld. Advocates appearing for the claimant and the respondent No.3. Perused the documents on record.

5. At the time of deciding the application under Section

140 of the M.V.Act, it is not required to the claimant to plead and establish the negligence, but it is required to establish that the injury is resulted from an accident arising out of the use of motor vehicle/s.

6. From the reply of the respondent No.3, it prima-facie appears that, the accident was occurred. On perusal of the FIR, crime details form, medico legal certificate, it prima facie appears that, the vehicle motorcycle bearing RTO No.MH-24-BF-4307 gave dash to the claimant and her sister and in the said accident, the claimant sustained injuries. The claimant has produced on record copy of disability certificate (list Exh.24). The disability certificate shows that, the injured sustained 21% disability.

7. The claimant has prima-facie established that, she has sustained permanent disablement in the vehicular accident occurred on 5.1.2021. In such circumstances, the claimant is entitled for fixed interim compensation of Rs.25,000/- as per the provisions of Section 140 of the Motor Vehicle Act. Hence, following order.

ORDER.

1. The application is hereby allowed.
2. Respondents shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousands only) towards the compensation under 'No Fault Liability' to the claimant under guardian of her mother Chaya Sanjay Pople within the period of Two months from the date of this order, if failed the said

amount will carry interest @ 6% p.a. from the date of application.

3. The amount of No Fault Liability be paid to the claimant under guardian of her mother Chaya Sanjay Pople by NEFT/RTGS.
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. Claimant is 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 his **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 : 6.1.2024.
Latur

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