

ORDER BELOW EXH.2 IN M.A.C.P. NO.1116 OF 2019

1. Read the application and say of insurer at Exh.11. The insurer admits the insurance cover of offending vehicle. Perused the record.
2. Contention of the claimants that Siddharth Krishan Pardeshi died in vehicular accident dated 10.06.2019 due to giving of dash by offending vehicle No.MH-46-H-2729 have been supported by the copy of FIR, Spot panchnama, inquest panchnama and postmortem report. Copy of insurance policy shows that offending vehicle was owned by the opposite party and it was insured with insurer as on the day of accident. The defences raised by the insurer will have to be considered at the time of decision of claim-petition on merits and it is not necessary to go into those details at this stage as the claim for interim compensation u/Sec. 140 of M. V. Act is based on the principle of No Fault. Claimants being the mother, sister and brother of deceased, they are entitled for the amount of interim compensation from the opposite party and insurer, jointly and severally. Hence, I pass the following final order.

ORDER

1. Application Exh. 2 is allowed.
2. Opposite party and insurer are directed to pay, jointly and severally, interim compensation of Rs.50,000/- (Rupees Fifty Thousand Only) to the claimants, on the principle of No Fault, within a period of 30 days from today, failing which they shall pay simple interest @7.5% p.a. to the claimants from the date of this order till its complete realisation.
3. The amount of interim compensation if deposited as above, Rs.30,000/- be paid to the claimant No.1 and Rs.10,000/- be paid to the **each** claimants Nos. 2 and 3 by Account payee cheques, as per rules, on due verification.

Dt.24.09.2021

Uvg/-

(S. K. Choudante)
Member, C. R. No.4,
MACT, Mumbai.