

Order below Exh. 2 in M.A.C.P. No.678/2022

(Smt. Shashikala Raghu Amin Poojari & Ors.
V/s. Sanjay Subhash Deshmukh
and Bajaj Allianz General Insurance Co. Ltd.)

Applicants have filed this application u/s 140 of M.V. Act for grant of compensation under no fault liability.

2. In the instant application, applicants contended that the deceased met with an accident dated 14.02.2022. On the date of accident deceased was riding his motorcycle Aactiva (MH-43-AK-3055). When he reached on Panvel-Mumbai Lane, Vashi Bridge, Navi Mumbai, suddenly one Motor Trailer (MH-15-EG-2655) came with fast speed, in rash and negligent manner from behind and gave violent dash to motorcycle. As a result deceased sustained serious head injuries due to which he was declared dead by the doctor of Municipal Hospital, Vashi on the same day.

3. The respondent/Opposite party though served by RPAD failed to appear. Hence, matter proceeded ex-parte against him. Insurer filed its written statement Ex.14 and opposed this application. However, admitted the insurance policy of the offending vehicle in its written statement. Moreover, Learned counsel for Insurer also made an endorsement on Ex.2 confirming the Insurance Policy of the offending vehicle.

4. Heard.

5. In support of their claim applicants have produced on record copies of police papers such as FIR, statement of Asifsha Sayed, spot panchnama, Inquest panchnama, Post Mortem Report, Cause of death certificate and Insurance Policy. It appears that deceased succumbed to the injuries sustained by him in vehicular accident in which aforesaid offending vehicle was involved.

6. It is pertinent to note that while deciding application under Section 140 of Motor Vehicles Act, it is not necessary to see who is at fault. From record it appears that on 14.2.2022 vehicular accident has

taken place in which deceased has sustained grievous injuries and succumbed to it. Hence, considering the medical evidence and police papers on record, I am of the opinion that there is no impediment to pass order under Section 140 of Motor Vehicles Act. Therefore, application deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

1. Application Exh.2 is allowed.
2. Opposite party and Insurer shall pay jointly or severally an amount of Rs.50,000/- to the applicants within six weeks from the date of order failing which it shall carry interest @ 7% p.a. from the date of order till realisation.
3. Opposite party and/ or the Insurer is directed to deposit the award sum to the credit of the bank account of this Tribunal directly by NEFT/RTGS mode. The details of the bank account of this Tribunal are as under :
Account Name : Motor Accident Claims Tribunal Mumbai
Account No. : 00000040777482356
IFS Code : SBIN0030002
MICR Code : 400002273
4. The details of deposit be informed to the Tribunal on its e-mail address: mactmumbai1@gmail.com
5. After depositing the compensation amount, it be disbursed as apportioned below :
 - Rs.30,000/- be paid to applicant no.1 by NEFT/RTGS.
 - Rs.10,000/- **each** be paid to applicant no.2 & 3 by NEFT/RTGS.
6. Amount of compensation so deposited shall be paid to the applicants by NEFT/RTGS as per apportionment after recovery of deficit court fee stamp, if any. Sd/-

Mumbai.
Date: 16/12/2022

[R.V. Jagtap]
Member, M.A.C.T.
Mumbai

**sb*