

Order below Exh. 2 in M.A.C.P. No.1278/2022

(Smt. Manjula Shankar Kavandar & Ors.  
V/s. M/s. Saniya Abdul Majid Tinoiya  
and Reliance 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 Shankar Kavandar met with an untimely death in vehicular accident dated 3.7.2022. On the date of accident deceased was riding motorcycle (MH-02-FK-6280) with care and caution along with his son. When they reached near Centro Bridge, Western Express Highway, Uttar Vahini, Vile Parle (East), Mumbai at that time offending Motor Car (GJ-31-T-3658) came in fast speed, rash and negligent manner and dashed the deceased's motorcycle. Due to said impact deceased fell down on the road and sustained serious head injury. He was immediately removed to Cooper Hospital for medical treatment. However, during treatment he succumbed to the injuries and was declared dead.

3. The respondent/Opposite party though served failed to appear. Hence, matter proceeded exparte against it. Insurer filed its reply Ex.12 and opposed the application. However, confirmed the insurance 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 S. Vetrivel Sankar Kaundar, statement of S. Manigandan Shankar Kaundar, spot panchnama, inquest panchnama, arrest form, cause of death certificate, Insurance policy, R.C. Card, driving licence of car driver and Permit of the offending vehicle. It appears that deceased succumbed to the injuries sustained to 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 3.7.2022 vehicular accident has taken place in which deceased has sustained grievous injuries and succumbed to it. It also reveals that period of Insurance policy was in subsistence when accident occurred. Hence, considering the documents placed 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](mailto:mactmumbai1@gmail.com)
5. After depositing the compensation amount, it be disbursed as apportioned below :  
Rs.25,000/- be paid to applicant no.1 by NEFT/RTGS.  
Rs.12,500/- **each** be paid to applicant No.2 & 3 by NEFT/RTGS.
6. Amount of compensation so deposited shall be paid as per apportionment after recovery of deficit court fee stamp, if any.

Mumbai.  
Date: 10/03/2023  
\*sb

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