

MHND010001262019 	ORDER BELOW EXH-5 IN M.A.C.P. NO.14/2019 Imran Khan Vs. Yogesh
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The applicant has filed the instant application for interim compensation under Section 140 of the Motor Vehicles Act.

02- Respondent has filed his written statement at Exh. 15.

03- It is contended by the applicant that on 30.08.2018 he along-with his wife were going from Ardhapur to Peer Burhan, Nanded on Activa No. MH-26-AV-6222. When they reached on Asana to Nanded Road at that time one Hyundai Car bearing No. MH-03-BE-5714 owned by respondent came from behind in very high speed and gave dash to the Activa of the applicant. In the said mishap, the applicant has sustained grievous injuries and became permanently disabled. He was hospitalized. FIR came to be registered in respect of the offending car. The applicant had to bear huge expenses for his treatment. Hence, the applicant has prayed for interim compensation.

04- Per contra, respondent has contended that the petition is bad for non-joinder of necessary parties. He has also denied that, the accident took place due to sheer negligence of the car driver but due to own mistake of the wife of the applicant who was driving the Activa at the time of accident and therefore, he is not liable to pay any compensation. Hence,

prayed for rejection of the application.

05- The applicant has filed on record copies of FIR, spot panchnama, MLC, discharge card and prescription bills. On perusal of the same, it appears that the accident occurred on 30.08.2018 and FIR came to be lodged on 24.08.2018. As the instant application is for interim compensation, the contention regarding non-joinder of necessary parties and other objections raised by respondent will be considered at the time of deciding the main petition. It appears from the prescription bills and other documents that the applicant has incurred huge amount for his treatment. Considering all the facts stated above, I am satisfied that the applicant is entitled to get the interim compensation as prayed. Hence, the following order.

ORDER

- 01- The application is allowed.
- 02- Respondent shall pay an amount of Rs.25,000/- to the applicant or deposit in the Court, towards interim compensation under Section 140 of the Motor Vehicles Act within two months from the date of the order, failing of which the amount shall carry an interest @ 9% per annum from the date of filing this petition till realization of the entire amount.
- 03- Court fees, if not paid by the applicant, be recovered.

Sd/-

Date : 27.06.2022

(R. R. Patwari)
Ex-Officio Member, MACT,
Nanded.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word, as per the original Order.

Name of the Stenographer :Sau. S.S.Korewar, Steno (Grade – 3)

Court Name : Court of District Judge-3,
& EOM of M.A.C.T., Nanded.

Date of Order : 27/06/2022

Order signed by the
Presiding Officer on : 27/06/2022

Order uploaded on : 27/06/2022