

MHND010002542020



**ORDER PASSED BELOW EXHIBIT NO. 05 IN MACP
NO. 17/2020**

Parubai & Anr. vs. Rohit & Insurance Co.

1] Perused application, affidavit in support thereof, documents filed with list Exh. 04 and the written statement and say of the respondent No. 2 at Exh.18.

2] Heard learned Advocate for the petitioners and the learned Advocates for respondent No. 2.

3] For determination of the entitlement of the petitioners for the interim compensation under the principle of “No Fault Liability”, under section 140 of the Motor Vehicles Act, 1988, it has to be ascertained whether death has been caused or permanent disablement of any person has been resulted from an accident arising out of the use of motor vehicle and that the owner of the vehicle has been arrayed as a party and that whether the motor vehicle involved in the accident was insured on the date and time of the occurrence of mishap.

4] The provisions of rule 281 of the Maharashtra Motor Vehicles Rules 1989 contemplating the following requirements for the award of compensation under section 140 and 163-A of the Motor Vehicles Act, 1988 are to be complied with by the petitioners. Upon perusal of the records available in the proceeding the following requirements appear to

have been complied with and are thus enabling this Court to award compensation to the petitioners.

(i) Registration certificate of the motor vehicle involved in the accident, or a certificate regarding ownership of the vehicle involved in the accident from the regional transport office or the police.	MH-31-BB-9977
(ii) Insurance certificate of policy relating to the insurance of the vehicle against the Third Party Risk; or the certificate regarding the insurance particulars of the vehicle from the Regional Transport office or the police;	Rohit Rajendra Singh choudhary MH-31-BB-9977 Police No. 2306003119P104558464 From 09-07-2019 to 08-07-2020
(iii) Panchanama and First Information Report.	06/10/2019 and FIR 07/10/2019
(iv) Postmortem report or death certificate, or certificate in Form COMP B of the First Schedule;	03/10/2019 cause of death is due to "injury to vital organ rt. lung".
(v) the nature of the treatment given by the Medical Officer who has examined the victim;	The victim was brought dead hence no medical treatment could be provided.
(vi) any other documents produced by or on behalf of the parties or obtained in the Tribunal under Rule 280;	Form No. 54
(vii) any document which shows that the applicant resides or the defendant resides, as the case may be, within the jurisdiction of the claims Tribunal before injured or the deceased;	Copy of FIR No. 313 dated 07/10/2019 of Chakur Police Station mentioning the address of the informant, spot panchanama showing place of occurrence as within the geographical area of Chakur, certificate of identity issued by UDAI Government of India.
(viii) a certificate or any other documentary proof showing the income of the person injured or the deceased;	--

(ix) proof of age of the person injured or the deceased.	certificate of identity issued by UDAI Government of India. mentioning the date of birth 01-01-1993.
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5] This Motor Accidents Claims Tribunal is passing order, for making an award of compensation of **Fifty thousands rupees** in respect of the death to be paid by the insurer/respondent No. 2 and/or respondent No.1 owner of the vehicle involved in the accident.

Interim Award

1] Application Exh. 5 is hereby allowed.

2] The respondent No. 1/owner of the Motor Vehicle bearing registration No. MH-31-BB-9977 involved in the accident shall pay an amount of Rs. **50,000/-** to the petitioners by depositing the same in the office of the Tribunal within a period of two weeks from the date of this order, failing which the respondent No. 2 /insurer of the afore stated motor vehicle shall pay the amount of compensation as directed above, by making its deposit in the office of this Tribunal by account payee cheque/s in the names of the petitioners within a period of 30 days from the date of this order, failing which it shall carry interest @ 7% per annum from the date of the application till its realisation.

3] Interim award be drawn up accordingly.

Sd/-

Date : 14-08-2021

(S. E. Bangar)
Member, M. A. C. Tribunal,
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 : Onkare A. M. , Steno Grade – 1
Court Name : Court of Adhoc District Judge-1,
Nanded.
Date of Order : 14-08-2021
Order signed by the
Presiding Officer on : 14-08-2021
Order uploaded on : 17-08-2021