

MHND010023542020



BEFORE CHAIRMAN, MACT NANDED.
(Presided over by Shrikant L.Anekar)

MACP No.297/2020

Ashok s/o Raosaheb Rathod,
Age 27 years, Occu-Service as Driver,
with M.S.R.T.C Ratnagiri,
R/o. At Phumala Tanda Post Umra,
Tq. Loha Dist. Nanded at presented
Tq. Loha, Dist. Nanded at presented
Shravstinager, Nanded.

.. Applicant

VERSUS

- 1] Rajesh s/o Radhyeshyam Dhakad,
Age: Major, Occu: Business and owner of
Truck No.RJ-09/GB-8676, R/o. Prem Colony
Mandsaur, Madhya Pradesh – 458001

Additional Address

Rajesh s/o Radheshyam Dhakad,
Age: Major, Occu: Business and owner of
Truck No.RJ-09/GB-8676, R/o. Shri Anand
Road Lines, Mandsaur Tq. & Dist. Mandsaur
(Madhya Pradesh).

- 2] The Oriental Insurance Company Ltd.
Through its Branch Manager,
Branch Office at 1st Follor, M.F Motors,
Hingoli Road, Opp. Maratha Hotel,
Maganpura, Nanded.

- 3] The Oriental Insurance Company Ltd.
Through its Branch Manager,
Branch office at Maharana Pratap
Chouraha, Janngid Mansion,
Mhow Neemuch Road, Mandsaur,
Madhya Pradesh – 458001

..Respondents

Order below Exhibit-05
(Delivered on 20-10-2021)

1] The applicant has filed this application for pre-award compensation under section 140 of the Motor Vehicles Act i.e. compensation under “No Fault Liability”.

2] That on 04.06.2020, the applicant had been to village Maratala to bring grocery items and clothes by his motor cycle No. MH-26/J-4175. After purchasing, he was returning to home by the said motor cycle. At a bout 5.00 p.m, when he reached on the road near Gas Godown, one Truck No. RJ-09/GB-8676 came from Nanded side in high speed and in rash and negligent manner and dashed to the applicants motor cycle from backside. Due to that, the applicant sustained grievous injuries and sustained permanent disability.

3] Respondent No.1 is the owner of an offending vehicle namely Truck No. RJ-09/GB-8676 and respondent Nos. 2 and 3 are the insurer of the said vehicle.

4] The respondent No.2 appeared and filed written statment at Exh.17 and denied all the allegations and prayed for dismissal of application.

6] I have heard learned counsel Syed Shakeel Ahemad for the applicant and Ld. Advocate P.S Bhakkad for the respondents-insurance company.

7] While deciding the application under principle of 'no fault liability', the Tribunal has to see whether the injured sustained vehicular accidental injuries and thereby sustained permanent disability and whether the offending vehicle is covered by insurance. Thus the Tribunal expected to prima facie satisfy itself about the claim. Detailed inquiry is not expected at this stage.

8] It appears tht the applicant appeared before the Medical Officer of Handicap Board/Ortho/G.M.C, Nanded, who examined him and certified the permanent disability to the extent of 90%. The disability certificate is filed on record with the list Exh-21. The applicant has filed on record copy of FIR, spot panchanama, Medico Legal Certificate, discharge card, hospital bill receipts, Aadhar Card, Form No.54, R.C.Book, driving license and insurance policy. Examining the papers, prima facie indicates that the offending vehicle involved in the accident wherein the applicant has sustained the permanent disability. The essential requirements to exercise the powers under section 140 of Motor Vehicles Act are available on record.

9] Under these circumstances, the claim of the applicant stands supported by documents and thus prima facie case is made out. Hence, the following order-

ORDER

1. The application is allowed.
2. The applicant is entitled to compensation of Rs.25,000/- (Rs. Twenty Five Thousand only) under Section 140 of Motor Vehicles Act.
3. The respondents are jointly and severally liable to pay the compensation.
4. The respondents, being insurer, do pay the compensation within one month from today, if fails, it shall carry interest at the rate of 7.5% per annum from the date of application till realization.
5. Pre-Award be drawn up accordingly.

Date: 20-10-2021.

(Shrikant L.Anekar)
Principal District Judge &
Chairman, MACT, Nanded.

Certificate

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

Name of Stenographer	:-	Mrs. A.S.Khire, P.A.
Court name	:-	Sessions Court, Nanded.
Date	:-	20-10-2021.
Judgment signed by		
Presiding officer on	:-	20-10-2021.
Judgment uploaded on	:-	20-10-2021.

Visit **ecourts.gov.in** for updates or download mobile app “**eCourts Services**” from Android or iOS