

MHND010027712019



ORDER BELOW Exh.5 in M.A.C.P. No. 346/2019
Balasaheb V/s The Superintendent of Police

This is an application filed by petitioner under section 140 of the Motor Vehicles Act for grant of compensation amount of Rs. 25,000/-under 'No Fault Liability'.

2. It is contended by the petitioner that, on 04/02/2016 morning, the petitioner along-with his wife were returning from Kailash Nagar to their home at Phule Nagar on his motorcycle bearing No. MH-26/S-7090 at about 9.00 a.m. when they reached near the OM hotel of Shivaji Nagar at that time, one Police Jeep bearing No. MH-26R-0116 came from Kalamandir road in very high speed with rash and negligent manner and gave dash to the motorcycle of the petitioner. Due to it petitioner and his wife fell down on the road and sustained grievous fracture injuries.

3. A crime registered in the Shivajinagar, Police Station under section 279, 337, 338 of the I.P.C. against driver of Police Jeep. Respondent No. 1 is owner of Police Jeep hence, liable to pay compensation along-with interest @ 12% p.a. to the petitioner. Hence, this application.

4. Notice duly served to Respondent and appeared through advocate but failed to file written statement hence, petition proceeded

without WS of respondent.

5. Heard Learned Advocates Shri. A.L.Donge, for the petitioner.

6. I have gone through the papers on record filed with list Exh.4.

7. On perusal of police papers vide Exh.4, it appears that, the FIR was lodged against the driver of Police Jeep bearing Registration No. MH-26R-0116. It appears from spot panchnama, accident occurred due to rash and negligent driving of rider of motorcycle. A perusal of form comp 'B' shows that, petitioner sustained 30% permanent disability. Petitioner has also produced medical documents showing injuries sustained to him in the accident.

8. At this stage, it is not necessary to decide who was at fault. Contents in the petition and Written Statement asserted by parties are required to be proved by adducing evidence, therefore, at this stage, it is necessary to see whether this application comes within the purview of section 140 of the Motor Vehicles Act.

9. Prima facie, the police papers show that, the driver of offending Police Jeep drove his Jeep in rash and negligent manner and in said accident petitioner and his wife sustained injuries. There is involvement of offending vehicle in the said accident. It appears from record that, the offending vehicle bearing Registration No. MH-26R-0116 gave dash to petitioner and in the said accident, petitioner sustained injury, therefore, respondent is liable to pay No Fault

Liability compensation to the petitioner. Accordingly, it is proper to pass the following order.

ORDER

- 1- Application is allowed.
- 2- Respondent to pay an amount of Rs. 25,000/- (Rupees Twenty Five Thousand) only by account payee cheque as compensation under section 140 of the Motor Vehicles Act to the petitioner within **two** months from the date of this order.
- 3- In the event, if respondent failed to pay compensation, the petitioner is entitled to recover the same amount along-with interest @ 9% p.a. from the date of order till its realization.

Dictated and declared in open court.

Date :- 14/12/2022

**(U.V.Indapure)
EOM of M.A.C.T., Nanded.**

CERTIFICATE

I affirm that the contents of this PDF order are same word to word as per the original order.

Name of the Stenographer :- Smt. S.S.Korewar,
Steno (Grade-3)

Court Name :-Ad-hoc District Judge-1 &
EOM of M.A.C.T., Nanded

Date of order :- 14/12/2022

Order signed by
the Presiding Officer On :- 14/12/2022

Order uploaded on :- 15/12/2022