

(1) Order below Exh.05 in MACP No. 429/2018

MACP NO. 429/2018
Shankar Versus Rekhabai + 1

ORDER BELOW EXH.5

[Passed on 20th day of April, 2019]

01- The claimant has made an application u/s 140 of the Motor Vehicles Act for grant of compensation of Rs.25,000/- towards no fault liability. Perused the application and say of respondents No.1 and 2. Heard learned counsel appearing for the claimant and Respondent No.2.

02- On 08-09-2014 the claimant and his friend Ramesh S/o Fulaji Davare were proceeding on motor-cycle bearing temporary registration No. MH-26-TRA-546 from Rameshwar Tanda Towards Ekghari. The claimant was pillion rider. When they reached near village Ekghari motorcycle rider gave dash to the pedestrian due to which claimant fell on the road and sustained grievous injury on his head, leg and hands which resulted into permanent disablement. After the accident he admitted to the Government hospital, Nanded.

03- An offence at crime No. 74/2014 came to be registered against the rider of offending vehicle bearing No. MH-26-TRA-546 under-sections 279, 304-A of the Indian Penal Code to police station, Akhada Balapur Tq. Kalamnuri Dist. Hingoli.

(2) Order below Exh.05 in MACP No. 429/2018

04- On perusal of F.I.R and spot panchanama show that due to the rash or negligent driving of driver of MH-26-TRA-546 an accident occurred. Due to which claimant sustained severe and grievous injuries which resulted into permanent disablement. The offending vehicle was owned by respondent No.1 and was insured with respondent No.2 for a period from 01-09-2014 to 31-08-2015. The said accident took place within the period of insurance policy.

05- On the whole, I find it just and proper to award Rs. 25,000/- to claimant towards no fault liability.

In the result, following order is passed.

ORDER

01] Application Exh.5 is allowed.

02] The respondent Nos. 1 & 2 jointly and severally shall pay Rs. 25,000/- (Rs. Twenty Five Thousand only)to the claimant towards no fault liability within one month from the date of this order failing which it shall carry interest @ Rs. 9% p.a. till its full realization.

03] Claimant do pay deficit court fees if any.

Date:-20-04-2019

Sd/-
[A.S. Sayyad]
District Judge-3 &
Ex-Officio Member
of M.A.C.T.,Nanded.

(3) Order below Exh.05 in MACP No. 429/2018

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	:-	P.S.Malve,Grade -I
Court Name	:-	A.S. Sayyad, District Judge-3 and Ex-Officio Member of M.A.C.T.,Nanded.
Date	:-	20-04-2019
Order signed by the Presiding Officer on	:-	23-04-2019
Order uploaded on	:-	24-04-2019