

C.P No.781 of 2021  
Anusaya + 1 V/s. The Reliance  
Gen. Ins. Co. Ltd.+ 2

**ORDER BELOW EXH.5**

(Passed on 05<sup>st</sup> September 2023)

**Application for Grant of Compensation U/s.140 of the Motor  
Vehicle Act (As amended Act).**

1] Perused the application for grant of compensation U/s.140 of the Motor Vehicle (Hereinafter, referred to as M.V.) Act No Fault Liability (Hereinafter, referred to as 'NFL'). Respondent No.1 (insurance company) has filed composite written statement at Exh.21. Respondent No.2 (owner) has filed written statement at Exh.18 and 19. Claim petition proceeded Ex-parte against Respondent No.3.

2] Heard Ld. Adv. for the petitioner Shri.PS.Mirache as well as Ld. Adv. for the respondent No.1 Smt.S.S.Dehadraj Ld. Adv. for the respondent No.2 Shri.Pawan Gabhane.

3] On 20.06.2021 at about 19.30 hrs, at Bhagimaheri, Saoner, Tah.Saoner, District Nagpur deceased Gendlal s/o. Laxman Madke, was riding Motorcycle bearing registration No.MH-40-AG-3092 from Saoner towards home town Pipla. At that relevant time the driver of the offending four wheeler bearing registration No.MH-40-BJ-7032 was driving his vehicle at high speed with rash and negligent manner. The driver of the offending four wheeler could not control his vehicle and gave forcible dash to the motorcycle of the deceased from behind, resulting to which the deceased had sustained grievous injury and died on the spot.

4] The application is opposed by respondent No.1 (insurance company) by giving paragraph wise reply. The insurance of the offending four wheeler bearing registration No.MH-40-BJ-7032 is denied by respondent No.1. Respondent No.2 (owner) of the offending four wheeler bearing registration No.MH-40-BJ-7032 has also denied the contents of the claim petition by giving paragraph wise reply. The insurance policy of the offending four wheeler bearing registration No.MH-40-BJ-7032 is denied.

5] Petitioners have produced on record copy of Form AA, copy of P.M.Report and copy of insurance policy etc.

6] The scope of the present application being NFL is very limited. The court has to only see,

*(i) That accident has arisen and Motor vehicle is involved;*

*(ii) That accident had resulted in permanent disablement or death of the person &*

*(iii) The claim is made against the owner and insurer of the offending vehicle involved in the accident.*

7] Petitioners have produced on record copy of copy of Form AA, copy of P.M.Report and copy of insurance policy etc.

8] Considering, the Provisions of Section 140 of the M.V. Act and its social purpose to provide the minimum assistance in the form of interim compensation to the victim of accident or dependent of the victim U/s.140 of the M.V. Act liability is created on the basis of 'No Fault'. Therefore, the claimants need not plead and prove the liability of the owner/insurer of the offending motor vehicle strictly in accordance with law. Petitioners have produced

insurance policy of the offending four wheeler. On careful perusal of the insurance policy it prima facie appears that, policy was valid from 22.10.2019 to 21.10.2022. Therefore, accident is covered under the insurance policy. Hence, application deserves to be allowed and I pass the following order -

**ORDER**

- i] Application is allowed.
- ii] Respondents pay compensation amount of Rs.50,000/- (Rupees Fifty-thousand only) towards No Fault Liability (NFL) within a period of four weeks from the date of passing of this order.
- iii] In case Respondents fail to pay compensation amount within four weeks from the date of passing of this order then he shall pay interest @ 7.5% p.a. from the date of this order till the realization of amount.
- iv] On depositing the amount of compensation of Rs.50,000/- (Rupees Fifty Thousand only) out of which amount of  
Rs.20,000/- be paid to the petitioner No.1  
Rs.15,000/- be paid to the petitioner No.2 and  
Rs.15,000/- be paid to the respondent No.3.  
  
only by NEFT or Cross A/c. Payee Cheque drawn & payable on his due verification, identification & compliance of NEFT.
- v] The copy of this order attested as true copy be given to the Respondent free of cost.
- vi] Application is disposed off.

Nagpur.  
Date : 05.09.2023

( **Krupesh Vijay More** )  
Member,  
Motor Accident Claims Tribunal-2,  
Nagpur.

**ENDORSEMENT**

Case argued on : 05.09.2023  
Order dictated on : 05.09.2023  
Transcription ready on : 05.09.2023  
Order checked and  
signed on : 05.09.2023

Nagpur.

Date : 05.09.2023

( **Krupesh Vijay More** )

Member,

Motor Accident Claims Tribunal-2,  
Nagpur.**CERTIFICATE**

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

Name of Stenographer : Sau. Nilakshi Nitinrao Manthanwar  
(Stenographer Gr.-1)