

**ORDER BELOW EXH.5 IN M.A.C.P.NO.694/2019**

(Passed on this 25<sup>th</sup> day of November, 2021)

This is an application for compensation in respect of injury sustained to petitioner resulted from the motor vehicular accident and as per principle of “No Fault Liability” as it contemplate to Section 140 of the Motor Vehicles Act, 1988.

2. Perused contents of the application and documents filed alongwith it. Also perused the challenged posed by respondents.

3. It is the contention of the petitioner that he met with motor vehicular accident on 18.07.2019 in which motor vehicle i.e. tractor-trolley bearing registration No.MH-49/702 and MH-49/C-4478 owned by respondent No.3 and insured by respondent Nos.1 and 2 is involved. In such accident he received permanent disability. Therefore, according to him, he is entitled to get compensation under 'No Fault Claim' as per Section 140 of the Motor Vehicles Act.

4. Both the Insurance companies opposed the claim on various grounds and prayed to reject the application.

5. Respondent No.3-owner of the vehicle opposed the claim and prayed to reject the same.

6. In order to decide the no fault claim, the Tribunal must follow on the basis of material on record, prima facie satisfied itself that (i) the accident arose out of a motor vehicle; (ii) which resulted in permanent disablement or death of a person; (iii) and the claim is made against the owner and the insurer of the motor vehicle involved in accident.

7. Petitioner in support of his claim filed documents vide list Exh.4. These are the copies of police documents including FIR, copy of insurance policy and original disability certificate. From these documents, it prima facie seen that the petitioner met with motor vehicular accident as claimed and sustained permanent injury to his right leg and left hand. Thus, in view of scope of Section 140 of the Motor Vehicle Act, it appears to me that petitioner is entitled for compensation under 'No Fault Liability'.

8. Thus, in short the applicant is entitled to get compensation of Rs.25,000/- as per provisions of Section 140 of the Motor Vehicles Act and both the respondent are jointly and severally liable to pay such compensation. Accordingly, I proceed to pass the following order.

**ORDER**

1. Application is allowed.

2. The applicant is entitled for compensation of Rs.25,000/- (Rs.Twenty five thousand only) under 'No Fault Liability'.
3. The respondents Nos. 1 to 3 to deposit jointly and severally a sum of Rs.25,000/- (Rs.Twenty five thousand only) towards 'No Fault Liability' with Tribunal within one month from the date of this order, failing which interest at the rate of Rs.6.5% p.a. will be applied on said amount.
4. The aforesaid compensation amount be paid to applicant.

**Nagpur**  
**Date: 25/11/2021**

**(D.K.Gudadhe)**  
**Member,**  
**MACT-3, Nagpur.**

DISTRICT COURT  
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 the Stenographer : R.S.Gawali**