

MHNG010097552020



IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL-1, NAGPUR.

Claim Petition No.783/2020.

Devanand Ghatode ..vs.. Yashwant Kullarkar & One.

ORDER BELOW EXH.5
(Passed on 4th March, 2022)

The applicant Devanand Sheshrao Ghatode, who sustained injuries in an accident dated 01.12.2020, claims compensation U/sec 140 of the Motor Vehicle Act.

2. Read the application and written statement-cum-reply (Exh.13) filed by respondent No.2. Case proceeded ex-parte against the respondent No.1. Learned advocate for the applicant submitted that the applicant is entitled to NFL amount of Rs.25,000/- as he sustained grievous injury in an accident arising out of use of Alto 800 Car bearing No.MH-40-AR-6313. Learned advocate for the respondent No.2/insurer submitted that the alleged offending was not insured with the insurance company. The driver of alleged offending vehicle was not holding valid and effective driving license. Upon these contentions, learned advocate for the respondent No.2 submitted that the insurance company is not liable to pay compensation.

3. I have considered the submissions of both the sides and case papers. The petitioner claims compensation u/sec 140 of the M. V. Act. It is well settled that the claim for interim compensation U/sec 140 of the M.V. Act is based on the principle of No Fault. The defences raised by the Insurer will have to be considered at the time of decision

of the main petition and it is not necessary to go into those defences at this stage.

4. True copy of Form Comp.AA, FIR and crime details form prima facie show that the applicant sustained injuries in an accident arising out of use of above mentioned vehicle. FIR shows that police has registered the crime bearing No.242/2020 against the driver of offending vehicle for the offence punishable u/sec 279, 337 of IPC and Section 184 of M. V. Act. Form Comp.AA and true copy of insurance policy prima facie show that the offending vehicle was insured with insurance company at the relevant time. Medico legal certificate issued by Medical Officer Saoner, discharge summery of Seven Star Hospital and disability certificate issued by Dr. Abhinav Bhatnagar prima facie show that the applicant sustained injury causing 9% disability. Considering all these factors, it appears that there is no legal impediment in allowing application. Hence, I pass following order:-

O R D E R

- (1) Application is allowed as under -
- (2) The respondents do pay jointly and severally an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the applicant within a period of one month from the date of order, failing which they will have to pay interest @ 6.5% p.a. from the date of order till its realization.
- (3) The respondents are directed to deposit the NFL amount payable to the applicant in the account bearing S/A No.40799142551 of MACT, Nagpur by NEFT/RTGS.
- (4) The NFL amount be paid and credited in the account of applicant by NEFT/RTGS after verification and identification.

(H. A. Ali)
Member, MACT-1,
Nagpur.

Dated : 04.03.2022.

CERTIFICATE.

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

(PRASHANT B. PATIL)
Stenographer (Grade-I)