

**Order passed below Exh.5 in MACP No. 48/2017.**

( Umair Malik Ashraf Ali Vs. MSRTCL, Nashik )

1. The petitioner, injured in the vehicular accident, has filed the present application for getting Rs.25,000/- towards NFL compensation.

2. It is the case of petitioner that on 18.12.2016 at about 03.30 p.m. he was travelling on a Aactiva vehicle as pillion rider. The Aactiva was being driven in a moderate speed. At that time the ST bus bearing No.MH-20-BL-0942 being driven by the driver of opponent came from back side in rash and negligent manner with excessive speed and dashed against the Aactiva vehicle. The claimants was thrown on the road and sustained grievous injuries. The petitioner has placed on record the police papers in crime No. 115/2016 of Pawar Wadi Police Station, Malegaon along with list Exh.3. The recitals of report equally confirming vehicular accident. The petitioner as and by way of interim compensation claimed Rs.25,000/- from the respondents.

3. The respondent appeared and filed its say vide Exh.11 and denied the claim petition in to-to. The respondent also denied the petitioner was admitted in hospital and expended huge amount for his treatment. It is also denied that the petitioner became permanently disabled. Hence prayed to reject the application.

4. Heard the Ld. Counsel for petitioner and respondent. On perusal of the report, it is evident that on 18.12.2016 when the petitioner was travelling as pillion rider on Aactiva motorcycle, at that time the driver of opponent by driving ST bus in a rash and negligent manner and dashed against the motorcycle. The petitioner sustained injuries in the said accident. The driver of respondent is prosecuted for rash and negligent driving of the offending vehicle.

..2..

The petitioner has placed on record the police papers from which it is evident that due to rash and negligent driving of respondent No.1, the accident occurred in which the petitioner sustained injuries. The petitioner also produce on record the disability certificate issued by Additional Civil Surgeon i.e. Government Hospital, Malegaon so as to ascertain the disability. It appears from the disability certificate that the petitioner has sustained 25% disability. Therefore, at this stage, it is to be held that the petitioner has sustained disability in the said accident. Therefore, the opponent is liable to pay the amount of no fault liability to the petitioner. As such, the requisite parameters for satisfaction and grant of compensation U/Sec. 140 of the Motor Vehicles Act, 1988 are squarely made out. Hence, application deserves to be allowed. Therefore, I propose to pass the following order.

**ORDER**

- 1) The application is allowed with costs.
- 2) The respondent shall pay no fault liability compensation worth Rs. 25,000/- (Twenty Five Thousand only ) to the petitioner within a month from the date of this order, failing which said amount shall carry interest @ Rs.7% p.a. from the date of application till its realization.
- 3) After depositing the amount of no fault liability, it be deposited in the name of minor petitioner any nationalized bank till he attains the age of majority.

Malegaon.  
12.06.2019

( R. H. Mohammad )  
Member,  
M.A.C.T., Malegaon.