

CNR NO. MHRT-04-000184-2017

**ORDER BELOW EXH. 6 IN M.A.C.P.**  
**NO. 03 OF 2017**

Sau. Pornima Kamallesh Chogale                      Claimant  
Versus  
Arvind Krushna Chogale                                      opponent

**1.**            The instant application is filed by the claimant for getting compensation of Rs.25,000/- towards 'NFL' under section 140 of the Motor Vehicle Act.

**2.**            Perused the application and say of opponent vide Exhs.6 and 15. In special pleading, it is contended that the claimant has exorbitantly exaggerated the claim, the accident did not take place due to his rash and negligent manner. Therefore, the said application is liable to be rejected.

**3.**            Heard learned Advocate Shri. M.V.Kandare for the claimant and learned Advocate A.A.Jagtap for the opponent.

**4.**            I have gone through the documents filed on record.

**5.**            The claimant came with the contention that, on 05.05.2015 at about 11.30 a.m. near Sakharoli stop on Dapoli-Khed road, Tal. Khed, Dist. Ratnagiri the opponent drove an auto rickshaw bearing No.MH-08-K-5365 in rash and negligent manner and without taking into consideration the exact road condition proceeded in a zig-zag manner, due to which she sustained grievous injuries.

From the petition and written statements filed by opponent, it is clear that, he has not disputed the accident/collusion. Certified copies of police papers are filed on record. It appears from the said police papers that, accident occurred due to rash and negligent driving of the appe rickshaw driver viz., opponent.

6. This being an application filed under section 140 of the Motor Vehicle Act, at this stage, there is need to look into whether it is a driver of appe rickshaw who was rash and negligent in his driving or not. At this stage of passing an order under section 140 of the Motor Vehicle Act, the Court is required to proof prima facie involvement of vehicle. It appears from the police papers that, vehicle is involved in the incident and claimant has lodged the complaint against the opponent. On perusal of above documents reveals that, there was involvement of above mentioned appe rickshaw bearing No.MH-08-K-5365 belonging to opponent and driven by him.

7. Other documents on record also shows the involvement of opponent being driver of appe rickshaw. I found that, the claimant has made out a case for entitlement of compensation under 'No Fault Liability' vide section 140 of the Motor Vehicle Act. Resultantly, this Court proceed to pass the following order.

### **ORDER**

1 Application Exh.6 is allowed.

2. Opponent is directed to pay an amount of '**No Fault Liability**' to the tune of **Rs.25,000/-** (Rs. Twenty Five Thousands Only) to the claimant within **30 (Thirty) days** from the

date of this order.

3. If the opponent failed to make payment of 'NFL' amount within stipulated period, then, the amount shall carry interest at the rate of 9 per cent per annum from the date of this order till realization of full amount.

4. Award be drawn up accordingly.

(Dictated in the open Court.)

Khed.

Date :- 09.01.2020

(D. L. Nikam)

Ex-Officio Member  
M.A.C.T. Khed, Dist. Ratnagiri.

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

Name of the Grade II Stenographer (On deputation since 25.11.2019)	Mr.Sandeep S. Patil
Name of the Court	Mr. D.L.Nikam Member, MACT, Khed.
Date of Pronouncement	09.01.2020
Judgment/Order Signed On	09.01.2020
Judgment /Order Uploaded On	09.01.2020