

**ORDER BELOW EXH. 06 in M.A.C.P. No.61/2021
Surekha Kanase & ors. Vs. Atul Kadam & others**

01. Heard Ld. Advocate of claimants. Ld. Advocate for respondent Nos.1 & 2 both absent when called. Perused application. No say or W.S. filed by opponent Nos.1 & 2.

02. The main petition is filed U/s.166 of M.V.Act to claim compensation about vehicular accidental death of husband of claimant No.1, son of claimant Nos.4 & 5 and father of claimant Nos.2 & 3. According to them, husband of claimant No.1 Rajendra Kashinath Kanase succumbed to the injuries caused in the accident occurred on 06/12/2020. In which vehicle Bullet motorcycle No.MH/11/CN/7333 of opponent No.1 is involved. It was validly insured with opponent No.2 at the relevant time. So, the petition is filed with this application U/s.140 of M.V.Act to claim compensation under the head 'No Fault Liability'.

03. Opponent Nos.1 & 2 though appeared neither filed say to this application nor written statement to the main petition. So, the petition at Exh.6 proceeded without their W.S. and say as per order below Exh.1 dated 16/01/2023.

04. The claimants filed certain police documents with claim below list Exh.4. From which it reveals that, Bullet motorcycle No.MH/11/CN/7333 is involved in said accident, which was ride by Shrirang Antu Chavan at relevant time. So, F.I.R. is registered against him. Its involvement is also shown in the spot

panchnama of said accident. There is copy of driving licence of Shrirang Antu Chavan. Copy of insurance policy shows that, it was insured from 17/03/2018 to 16/03/2021 i.e. at the relevant time, on 06/12/2020 when accident allegedly occurred. In insurance policy, though the vehicle is shown as new and registration number is not shown, however Chassis number and engine number are same as shown in the crime detail report. As per the inquest panchnama, Rajendra Kashinath Kanase reported dead on 08/12/2020. As per P.M. report cause of death is shown as head injury. From which prima-facie the involvement of alleged Bullet motorcycle is proved in the alleged accident. Hence, opponent Nos.1 & 2 are jointly and severally liable to pay compensation U/s.140 of M.V. Act. So, following order is passed.

:: ORDER ::

- 1) Application is allowed.
- 2) In result, opponent Nos.1 and 2 are jointly and severally directed to pay Rs.50,000/- (Rupees Fifty Thousand only) to the claimants by distributing amongst them equally.
- 3) Award be drawn up accordingly.
- 4) Matter to proceed accordingly.

Date : 16.01.2023.

Kamala V. Bora
Member, M.A.C.T. Satara.