

MHST010010522022



M.A.C.P.No.98/2022

Sagar Navnath Khandekar & Ors.
Vs. Hanif Shahabuddin Patel & Anr.

ORDER BELOW EXH.6 :-

(Passed on 06th February' 2023)

This is an application under Section 140 of the Motor Vehicles Act for grant of compensation on principle of no fault liability.

2) It is the case of the claimants that, on 15.07.2021 at about 03:00 a.m. deceased Changunabai Navnath Khandekar was occupant in Xcent Car and was going to her home at Hingani, Taluka Man, District Satara from Virar, Mumbai. When the said car reached near village Vele, Taluka Wai, District Satara and the driver of said car was crossing the said highway by keeping the indicators on, a Tata Tempo bearing No. MH-50/N-1883 came from Pune side in high speed and gave dash to the said car. Due to the said accident, deceased Changunabai Khandekar sustained multiple injuries and succumbed to her injuries in Yashwant Hospital, Satara during treatment. The said accident took place due to fault of the said Tata Tempo driver, therefore, claimants have prayed for grant of compensation of Rs.50,000/-.

3) Perusal of record more particularly; the police record filed alongwith list of documents Exh.4 i.e. F.I.R., complaint, spot

panchnama, inquest panchanama and Post Mortem report of the deceased reveal that on 15.07.2021 at about 03:00 a.m. on Satara to Pune Highway within the limits of village Vele, Taluka Wai, District Satara, accident of Tata Tempo bearing No. MH-50/N-1883 and Hyundai Xcent Car bearing No.MH-04/HN-0643, took place and Changunabai Navnath Khandekar who was travelling in the Xcent car succumbed to her injuries during the treatment at hospital.

4) Opponent No.1 is the owner and opponent No.2 is the insurer of the said offending vehicle Tata Tempo bearing No. MH-50/N-1883. The alleged accident took place on 15.07.2021. Accordingly, in view of Section 140 of the Motor Vehicles Act, opponents No.1 and 2 being owner and insurer of the offending vehicle respectively, are liable to pay compensation of Rs.50,000/- to the claimants on the principle of no fault liability. In a claim for compensation under Section 140 of the Motor Vehicles Act, the claimants are not required to plead and establish that the death or permanent disablement in respect of which claim is made is due to any wrongful act, neglect or default of the owner of the vehicle or of any other person. Opponent No.2 has not filed its written statement and say hence, the claim petition is proceeded without written statement against them. The contention of opponent No.1 is that, accident took place due to sole negligence of the driver of the Xcent car involved in the accident. However, the contention of opponent No.1 cannot be considered at this stage, as this is an application for compensation on 'No Fault Liability' and liability will be decided at the time of final hearing. Accordingly, present application deserves to be allowed. With these reasons, I pass following order.

ORDER

- (1) Application (Exh.6) is allowed.
- (2) Opponents No.1 and 2 do jointly and severally pay amount of Rs.50,000/- (Rs. Fifty Thousand only) to the claimants vide Section 140 of the Motor Vehicles Act within one month from the date of this order.
- (3) In the event of failure on the part of opponents to pay the compensation as directed, they shall additionally pay interest at the rate of 6% per annum to the claimants till the date of realization on due amount.
- (4) Compensation amount be given to the claimants vide account payee cheque/RTGS/NEFT etc.
- (5) Award be drawn up accordingly.

Date : 06.02.2023.

(N.H.Jadhav)
Ad-hoc District Judge-2
and Member, M.A.C.T., Satara