

**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL,**  
**WASHIM, TQ.DIST. WASHIM.**

**M.A.C.P. NO.20/2021.**  
(CNR No.MHWS01-000462-2021)

Jayshree Ghuge+2 Vrs. Gourav Karale +2.

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**ORDER BELOW EXH.5.**

( Passed on 29.08.2022 )

1. The applicant Nos. 1 to 3 have claimed an amount of Rs.50,000/- under Section 140 of the Motor Vehicles Act on account of No Fault Liability (NFL) due to sad demise of Ramkrushna Namdevrao Ghuge, in an accident arising out of the use of Motor Vehicle.
2. It has been alleged that applicant No.1 is the wife, applicant Nos.2 and 3 are the daughters of Ramkrushna Namdevrao Ghuge since deceased.
3. It has been alleged that accident took place on 28.04.2015 at about 05:00 pm, at Murtizapur by pass, Pratik Nagar, Murtizapur. At that time deceased was coming from his office on his motorcycle bearing registration No.MH45-G-5620, respondent No.1 Gourav drove his motorcycle bearing registration No.MH30-AM-6762 very rash and negligently with high speed and gave dash to the motorcycle of deceased, due to which Ramkrushna sustained severe head injuries. He was referred to the LDH Sub Dist. Hospital Murtizapur, where doctor declared him dead.
4. It has been alleged that the accident was reported to

police and Crime No.83/2015 came to be registered at Murtizapur Police station against the respondent No.1.

5. It has been alleged that accident took place due to sole negligence of respondent No.1 and his wrong side and rash driving. At the time of accident, respondent No.1 was driving the motorcycle bearing registration No. MH30-AM-6762 which is owned by respondent No.2 Nilesh Karale and said motorcycle was insured by respondent No.3 ICICI Lombard Motor Insurance Co.Ltd.. Therefore, all the respondents are jointly or severally liable to pay an amount of Rs.50,000/- to them on account of no fault liability.

6. Respondent No.3 through its authorised signatory appeared in the matter and filed written statement on record vide Exh.10. It is his submission that at the time of accident driver of motorcycle bearing registration No.MH30-AM-6762 was not holding valid effective driving license. Alleged accident was caused due to negligence of deceased driver. The alleged accident occurred between two vehicles i.e. motorcycle bearing registration No.MH30-AM-6762 and MH45-G-5620. Therefore, contributory negligence on the part of driver of the motorcycle bearing registration No. MH45-G-5620 i.e. deceased Ramkrushna Ghuge should have to be held.

Respondent Nos.1 and 2 filed their written statement vide Exh.14 and they also raised objection contending that at the time of accident, deceased Ramkrushna Ghuge was driving his motorcycle in rash and negligent manner and gave dash to

the parked motorcycle of respondent No.2. In that accident, Rajkrushna got himself injured and succumb to his injuries. Therefore, respondent Nos.1 and 2 are not liable to pay any compensation to the claimants.

7. Heard at length the learned counsel representing both the sides.

8. The Learned Counsel for applicants argued that by virtue of the copies of the police papers produced on record with list Exh.4 as well as the assertions of the applicants in application Exh.1 & 5, they have sufficiently made out a fit case for grant of an amount of Rs.50,000/- on account of no fault liability.

9. On the other hand the learned counsel for the Insurance Company strongly opposed these arguments. It has been argued that accident occurred due to fault of rash and negligent driving of deceased Ramkrushna Ghuge. It is submitted that respondent No.2 had committed fundamental breach of terms and conditions of insurance police, and therefore, insurance company is not liable to pay any compensation to the claimants.

10. A plain reading of the contents in the copies of the police papers produced with list Exh.4, sufficiently demonstrated that said Ramkrushna Namdevrao Ghuge died due to the injuries sustained by him in vehicular accident. As evident from

the copies of police papers, motorcycle bearing registration No. MH30-AM-6762 was involved in the accident. The contents in copy of inquest panchnama and cause of death certificate go to show that on demise of Ramkrushna Namdevrao Ghuge, inquest panchnama was drawn and autopsy was conducted. As specified in memorandum of a post-mortem examination cause of death, Ramkrushna Namdevrao Ghuge is died due to head injury.

11. Having regard to these facts and circumstances on record, it appears at this stage that the applicants have sufficiently proved the requirements as contemplated under Section 140 of the Motor Vehicles Act and they are found justified in getting an amount of Rs.50,000/- on account of no fault liability. With these observations, following order is passed:

**ORDER**

- 1) Application Exh.5 is allowed.
- 2) Opposite Party and Insurance Company shall pay jointly or severally a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the applicant No.1 on account of NFL, within a period of one month from the date of this order, failing which they shall pay interest on the said amount @ 7.5% p.a. from the date of order, till realization.
- 3) On depositing the amount of compensation in the office of Motor Accident Claims Tribunal, Washim, it be distributed **equally** amongst the applicants. Applicant Nos.2 and 3 being minor, their share be deposited in any nationalized Bank under

the guardianship of applicant No.1 Jayshree Ramkrushna Ghuge till they attain age of majority. Share of applicant No.1 be paid to her by account payee cheque, on due identification and on recovery of deficit court fees, if any.

(H.M.Deshpande)  
Member,  
Date : 29.08.2022. Motor Accident Claim Tribunal,  
Washim.

**CERTIFICATE**

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

Name of Stenographer :- R.R.Bharad, Stenographer (Grade-I)  
Name of Court :- Shri H.M.Deshpande,  
District Judge-1 and Additional  
Sessions Judge, Washim, Tq. Dist.  
Washim.  
Date of Judgment/ Order :- 29.08.2022  
Judgment/Order signed by :- 29.08.2022  
the Presiding Officer on  
Judgment/Order uploaded on :- 30.08.2022