

MHPA040008302014



Presented on : 06.09.2014
Registered on : 06.09.2014
Decided on : 04.01.2023
Duration : 08Y.3M.28Ds.

IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT HINGOLI
DISTRICT- HINGOLI.

(Presided over by Rajendra V. Lokhande)

M.A.C.P. No.: 247 /2014
CNR No.MHPA040008302014
Exh. No.20.

Panchefula W/o Kishan Puri ... Petitioner

Age: 45 years, Occu.: Labour

R/at: Jelaldabha Taluka Aundha (Na)

Dist.Hingoli

Versus.

1. Santosh S/o Sakharam Sangale ... Respondents.

Age: Major, Occu.: Owner of Auto,
R/at: Golegaon, Taluka Aundha (Na),

Distict Hingoli.

2. United India Insurance Co.Ltd.

2nd floor "Dayawan Complex," Station Road,
Parbhani, Taluka & Dist.Parbhani.

**CLAIM FOR COMPENSATION U/S.166 OF THE
MOTOR VEHICLES ACT.**

Appearance :

Advocate- Shri S.R. Shinde, for the petitioner.

Exparte order against the opponent No.1.

Advocate- Shri S.B.Gadade for opponent No.2.

: J U D G M E N T :
(Delivered on 04th January, 2023)

This is petition under section 166 of the Motor Vehicles Act, 1988 (hereinafter referred as 'Act') seeking compensation for permanent disablement.

2. The factual matrix necessary for adjudication of this claim is as under :-

That on 12.05.2014, at 4.30 p.m. the petitioner along with her relatives were coming to his village after marriage ceremony at Aundha Nagnath by Minidor Auto rickshaw No. MH-26-G-1088. When their rickshaw came on Jalal Dhaba turn at Aundha to Jalal Dhaba road, one Auto rickshaw No.MH-38-F-832 came from opposite side in a rash and negligent manner and dashed to his rickshaw. She and her relatives were severely injured. They were admitted in Aditi hospital Hingoli. Thereafter she was shifted to Naik hospital Hingoli. She sustained clavicle fracture to left side and fracture injuries on fourth and seventh ribs. She incurred medical expenses of Rs. 70,000/-. Due to permanent disablement, she suffered pecuniary and non pecuniary loss. Hence, under different heads she has claimed compensation of Rs. 2,00,000/-.

3. The claim petition is set ex-parte against the opponent No.1.

4. The opponent No.2 being insurance company of rickshaw by filing W.S. at Exh-15 opposed the claim. It has denied that said accident was caused due to rash and negligent driving of driver of

the rickshaw. It has also denied an age, permanent disablement, medical expenses, occupation and income of the petitioner. It is averred that the opponent No.1 has made breach of insurance policy. Thus, it is prayed to dismiss the claim.

5. My Ld. predecessor was pleased to frame issues at Exh.17. Those issues and their findings with reasons thereon are as under :-

Sr.No.	ISSUES	FINDINGS
1.	Do the petitioner proves that on 12.05.2014 at about 04.30 p.m. Jalalhaba to Aundha road on turn of Jaladabha, Auto No.MH-38-F-832 gave dash to her, due to which she sustained grievous injuries?	In the negative.
2.	Do the petitioner proves that at the relevant time, date and place, the driver of the offending vehicle drove vehicle in his possession in rash and negligent manner ?	In the negative.
3.	Do the petitioner proves that due to said accident, he sustained 25% disability of permanent nature ?	In the negative.
4.	Do the respondent No.2 proves that the driver of the offending vehicle committed breach of terms and conditions of insurance policy?	In the negative.

5. Whether the petitioner is entitled for compensation? If yes, from whom and for which amount? In the negative.

6. What order and award ? As per final order.

: R E A S O N S :

6. The petitioner, the opponent No. 2 and their respective advocates are absent when called out for arguments.

Issue Nos. 01 to 6.

7. This claim petition is very old one. Since last many years it has been kept for evidence of the petitioner. However, the petitioner did not remain present and did not adduce evidence. Even the opponent did not lead its evidence. Thus, there is absolutely no evidence to prove the contents in claim petition. In the facts and circumstances of this case, the petitioner is not entitled for compensation as prayed. Consequently the claim petition deserves to be dismissed with costs. Accordingly, I answer the issue Nos. 1 to 5 in the negative and for issue No.6 following order is passed.

ORDER

- 1) The petition MACP No. 247/2014 is dismissed with costs.
- 2) An award be drawn up accordingly.

Date :04.01.2023

(Rajendra. V. Lokhande)
District Judge-1 & Member,
M.A.C.T., Hingoli.

Certificate

I affirm that the contents of the PDF file Judgment are same word to word as per the original Judgment.

Name of steno : Mohd.Yameen Zafar Steno (Grade -1)
Court Name : R.V. Lokhande, District Judge - 1 & Member,
M.A.C.T.,Hingoli.

Date : 04.01.2023

Order signed by

Presiding Officer on : 04.01.2023

Order uploaded on : 04.01.2023