

ORDER BELOW EX.5

The contention of applicants is that the deceased Bhuneshwar Devdas Girhepunje died in an accident involving the motorcycle bearing No.MH-36/Q-8538 finds support from the copies of FIR and other police papers filed on record. Police papers show that the deceased and applicant No.1 had gone to their field for watering the crop. After completion of their work, they were returning home in the evening. They were proceeding by left side of the road on N.H.No.6. They were pedestrians. When they were in front of the house of Mr.Dhenge, motorcycle bearing No.MH-36/Q-8538 came from Lakhani side in high speed. It was being driven in rash and negligent manner. The rider could not control motorcycle. Motorcycle gave dash to deceased. Due to dash, deceased sustained head injury. He was hospitalized however succumbed to injuries. Later on, postmortem is performed. Hence, accident took place due to rash and negligent driving of the respondent.

02. The fact that motorcycle bearing No. MH-36/Q-8538 was owned by respondent, is admitted. The fact that the deceased died in the accident is also clear from the copies of police papers filed on record.

03. The respondent, who is the owner and driver of the motorcycle bearing No.MH-36/Q-8538 was served with notice and filed say at Ex.14 and denied the contentions that the respondent was driving his motorcycle bearing No.MH-36/Q-8538 at high speed and in rash and negligent manner at the time of incident.

04. The contention of applicants that the motorcycle bearing No. MH-36/Q-8538 was involved in the incident and said vehicle was owned by respondent, is admitted. It is also supported by police papers. As such, applicants are entitled for compensation to the tune of Rs.50,000/- from the respondent towards 'No Fault Liability'. Hence, I pass the following order;

ORDER

- 1] Respondent is directed to pay an amount of Rs. 50,000/- (Rupees Fifty Thousand Only) to applicants towards 'No Fault Liability', within one month from this date of order, failing which the amount shall carry interest @ 6% per annum from the date of application till realization of NFL amount.
- 2] On depositing the amount as directed above, it be paid to applicant Nos.1 to 3 equally by account payee cheque on proper identification.
- 3] Pre-award be drawn accordingly.

Sd/-

(R. P. Pande)

Date : 01/02/2019

Member, [M.A.C.T.](#), Bhandara.

CERTIFICATE

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

Name of the Steno : G. M. Agashe

Court's Name : Member, M.A.C.T., Bhandara

Date of judgment : 01/02/2019

Judgment signed on : 01/02/2019

Judgment uploaded on: 01/02/2019