

CNR No. :MHND210000132018



**Order below Exh.5 in M.A.C.P. No. 01/2018**

Vimalbai and others V/s Dashrath and another

1- This is an application under section 140 of M.V.Act for grant of compensation under No Fault Liability of Rs. 50,000/- .It is contended by the applicants that the driver of offending vehicle i.e. car bearing No. KA-27-M-3789 which is involved in the accident caused the accident and death of Namdeo Maroti Holgir was caused. Opponents are liable to pay compensation to the applicants. Therefore, the applicants are praying for amount of compensation of Rs. 50,000/- under section 140 of the Motor Vehicles Act.

2- Opponent No.1 served with summons. He appeared through advocate but but failed to file Written Statement. Hence petition proceeded without W.S. against him. Opponent No.2 appeared and filed its Written Statement at Exh.12 and resisted the application.

3- Heard advocate Shri. N.P.Hake for the applicants and Shri. N.D. Kolnoorkar, for respondent No. 2 . I have gone through the papers on record filed with list Exh.4.

4- On perusal of police papers vide Exh.4, it appears that the FIR was lodged against the driver of Car. The police papers shows that due to rash and negligent driving on the part of driver of opponent No.1, the accident was caused and in said accident, death of Namdeo Maroti Holgir was caused. At this stage, it is not necessary to decide who was at fault. Prima

facie, the police papers shows that the driver of offending car drove his car in rash and negligent manner and in said accident death of Namdeo Holgir is caused. There is involvement of offending car in the said accident. Opponent No. 2 admitted that the offending vehicle is duly insured with them. Therefore, opponents are jointly and severally liable to pay No Fault Liability compensation to the applicants.

5- Considering the scope of section 140 of M.V.Act at this stage, it is only to be considered that the offending vehicle i.e.TATA Indigo car bearing No. KA-27/M-3789 gave dash to the motorcycle of deceased and due to it, accident occurred and deceased Namdeo Holgir who was rider on the motorcycle died, therefore, opponents are liable to pay the compensation to the applicants. Therefore, considering the contentions in the application and scope of section 140 of M.V.Act it is proper to pass the following order.

**ORDER**

|    |                                                                                                                                                                                                                                                                  |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1- | Application is allowed.                                                                                                                                                                                                                                          |
| 2- | Opponent Nos. 1 and 2 shall jointly and severally pay an amount of Rs. 50,000/- (Rupees Fifty Thousand) only by account payee cheque as compensation under section 140 of the Motor Vehicles Act to the applicants within one month from the date of this order. |
| 3- | In the event, if opponents fail to pay compensation, the applicants are entitled to recover the same amount alongwith interest @ 7% p.a.                                                                                                                         |

**Date :- 03-08-2019**

**Sd/-  
( A.S.Salgar)  
Ad-hoc District Judge-1  
Member, M.A.C.T., Kandhar,  
Link Court Mukhed.**

**CERTIFICATE**

I affirm that the contents of this PDF order are same word to word as per the original order.

|                                             |                                                                           |
|---------------------------------------------|---------------------------------------------------------------------------|
| Name of the Stenographer                    | :- Sau. J.D.Kapre, Steno (Grade-I)                                        |
| Court Name                                  | :-Ad-hoc District Judge-1 &<br>EOM of M.A.C.T., Kandhar<br>Camp at Mukhed |
| Date of order                               | :- 03-08-2019                                                             |
| Order signed by<br>the Presiding Officer On | :- 03-08-2019                                                             |
| Order uploaded on                           | :-05-08-2019                                                              |