

In the Court of Hon'ble S. R. Narsal, Member MACT- 4, Nagpur.
(Notice to Show Cause)
Room No.
R.P.A.D. 95218
Fixed For : 24/4/2019
C. P. No. Process No. 3365

Petitioners : Maya
-vs-

Respondents : Majay

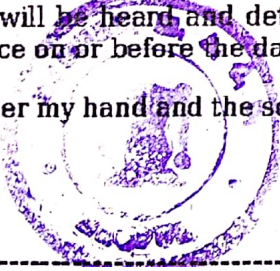
To,

OLA Aest Technologies Pvt Ltd,
101, Laxmi Meliadevi, P. No. 46,
Shastri Layout, Laxmi Nagar MIDC Highway road,
Nagpur.

Whereas the above named applicant has made application to this Court that, copy of application U/s 166 & 140 of M.V. Act along with document attached here with.

You are hereby warned to appear in this Court in person or by a pleader duly instructed on the 24/4/19 at 11 'O' clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined ex-part. Also take notice that in default of your filing an address for service on or before the date mentioned you are liable to have your defence struck out.

Given under my hand and the seal of the Court, this 5 day of 4, 2019.



RM
Registrar (Judl.)
M.A.C.T., Nagpur

**BEFORE THE MEMBER OF THE MOTOR ACCIDENT CLAIM
TRIBUNAL, NAGPUR.**

Claim Petition No. /2018

PETITIONER:

1. Maya Wd/o Prabhudas Shadi
Aged about 50 yrs., Occ- Household
2. Hitesh S/o Prabhudas Shadi
Aged about 31 yrs., Occ- Pvt. Job



9373357798

:- VERSUS:-

RESPONDENTS:-

1. The Bajaj Allianz General Ins.co.Ltd.
Through it's Legal Manager
Block No. 603, 6th floor,
Shreeram Shyam Tower,
Kingsway, Sadar, Near NIT building,
Nagpur.
 2. OLA Fleet Technologies Pvt. Ltd.
R/o. 101, Sakar Meridean, Plot No. 40
Shastri Lay Out, Subhash Nagar,
MIDC Hingna Road, Nagpur-440022
3. Nikhilesh s/o
Prabhudas Shadi
Aged about 26 yrs, occ.
Pvt. Job R/o plot No-
480, sai vasanshah 2.
chowk, Jaripatka,
Nagpur - 440014

**APPLICATION FOR GRANT OF COMPENSATION UNDER
SECTION 166 OF THE MOTOR VEHICLE ACT (AS AMENDED
ACT).**

The petitioners most respectfully submit as under and thus claim of compensation on account of death of **Prabhudas S/o Hemantdas** who died in an accident on dated 4/05/2018 at 8:00 hours.

The necessary particulars in respect of the person dead, the vehicle etc., are given below:-

1. Name and father's name of the person dead :- **Prabhudas S/o Hemantdas**
2. Full address of the person dead :- **As Above**
3. Age of the person dead :- **52 years**

4. Occupation of the person dead :- Service & Selling the household material
5. Name and address of the Employer of the deceased, if any. :-
6. Monthly income of the person dead. :- Rs. 20,000/- P.m.
7. Does the person in respect of whom compensation is claimed, pay income-tax? (to be supported by documentary evidence) :- ----
8. Place, date and time of accident :- In front of Chandsawali Darga, Near Ramzula Bridge, Nagpur
On 4/05/2018 at 8:00 hrs.
9. Name and address of Police Station in whose jurisdiction the accident took place or was registered. :- Police Station Ganeshpeti, Nagpur.
10. Was the person in respect of whom compensation is claimed, traveling by vehicle proceeding by involve in the accident? If so, give the names of places of starting journey and destination. :- The deceased was a pedestrian
11. Nature if injuries sustained and continuing effect if any, of the injury. :- Fatal
12. Name and address of the Medical Officer/ Practitioner, if any who attended on the dead. :- 1) Hope Hospital, Nagpur
2) Mayo Hospital, Nagpur
13. Period of treatment and expenditure, if any, Incurred thereon (to be supported by documentary evidence). :- Died during the treatment
14. Registration number and type of the vehicle Involved in accident. :- OLA No. MH-31/FC/1634
15. Name and address of the owner of the vehicle. :- Respondent No. 2

16. Name, policy number, insurance particulars :- The Bajaj Allianz
and address of the insurer of vehicle. Gen. Ins. Co. Ltd.
Policy No. OG-13-
1701-1803-00028855
Period of Policy:-
7/03/2018 to
6/03/2019

17. Has any claim been lodged with the owner/ :- No
insurance? It so with what result.

18. Name and address of the applicant :- As above

19. Relationship with deceased. :- The petitioner no.1 is
widow, Petitioner no.
2 & 3 are son of the
deceased. Parents are
no more.

20. Amount of the compensation claimed :- Rs. 1,00,000/-

21. That, the petitioner has not filed the petition in any court of India except
the present petition.

22. That, the said accident took place on 4/05/2018 at 8:00 hours, in
front of Chandsawali Darga, Near Ramzula Bridge, Nagpur. The
respondent no. 2 is the registered owner of the offending OLA No. MH-
31/FC/1634 and the driver was driving the said offending vehicle under the
authority of respondent No. 2. The said vehicle was insured with respondent
No. 1. The driver was holding valid and effective driving licence.

23. That, on 4/05/2018, the deceased was pedestrian in correct side of
the road, but at that relevant time offending OLA No. MH-31/FC/1634
came at high speed with rash and negligent manner from same direction of
the deceased, therefore, the driver of the said OLA over his vehicle and it
gave a dash to the deceased, resulting to which the deceased had sustained
fatal injury, thereafter he was admitted into Hope hospital, Kamptee, but
unfortunately he died during the treatment, Thereafter the dead body of the
deceased was referred for post mortem in the in Govt. hospital, Nagpur and
thereafter, his dead body was carried to home for funeral by ambulance.
The petitioners have spent near about Rs. 1,00,000/- on medical, funeral
and ambulance charges.

24. That, the said accident occurred due to rash and negligent manner of
the driver of offending OLA No. MH-31/FC/1634. Therefore, Police
Station Ganeshpeth, Nagpur has registered an offence U/s. 279, 337,
338, 304-A of IPC; vide Crime No. 165/2018 against the driver of
offending OLA.

25. That, the deceased was aged about 52 years old and he was rendering the service as well as he was selling the household material and he was getting the total earning of Rs. 20,000/-p.m. from the said sources. The deceased was contributing his income to the petitioners and petitioners were depending upon the income of the deceased. The deceased was an able body person if he would have not died in the said accident then he could have earned more than Rs. 20,000/-, therefore petitioners are entitled for the future prospectus. But due to the sudden death of the deceased the petitioner have suffered physically, monetary losses. Thus, the claim of compensation is calculated as under:-

Rs.	20,000/-	Per month
+ Rs.	3,000/-	15% towards future prospectus
Rs.	23,000/-	
X	12	Months
Rs.	2,76,000	
X	11	Multiplier
Rs.	30,36,000/-	
- Rs.	10,12,000/-	1/3 rd deduction for the personal exp.
+ Rs.	20,24,000/-	Total Loss of dependency
+ Rs.	1,00,000/-	Medical, Funeral & Ambulance Expenses
+ Rs.	2,00,000/-	Loss of estate, Loss of Consortium, and Love and affection
Rs.	23,24,000/-	Total Claim

Thus, the claim of compensation is derived of Rs. 23,24,000/- but the Petitioners have restricted their claim till Rs. 1,00,000/-. Due to unable to pay the court fee stamp at this stage. The petitioners shall enhance their claim U/s 166 of M.V. Act after getting the N.F. L.

**BEFORE THE MEMBER OF THE MOTOR ACCIDENT CLAIM
TRIBUNAL, NAGPUR.**

Claim Petition No. /2018

PETITIONER:

1. Maya Wd/o Prabhudas Shadi
Aged about 50 yrs., Occ- Household
2. Hitesh S/o Prabhudas Shadi
Aged about 31 yrs., Occ- Pvt. Job

-: VERSUS:-

RESPONDENTS:-

1. The Bajaj Allianz General Ins.co.Ltd.
Through it's Legal Manager
Block No. 603, 6th floor,
Shreeram Shyam Tower,
Kingsway, Sadar, Near NIT building,
Nagpur.
 2. OLA Fleet Technologies Pvt. Ltd.
R/o. 101, Sakar Meridean, Plot No. 46,
Shastri Lay Out, Subhash Nagar,
MIDC Hingna Road, Nagpur-440022
- 3] Nikhilesh s/o
Prabhudas Shadi
aged about 26 yrs,
occ- prt job R/o. Plot
No- 480, Sai Vasan Shah
Chauk, Jaisipatkh
Nagpur-440014

**APPLICATION FOR GRANT OF COMPENSATION UNDER
SECTION 140 OF THE MOTOR VEHICLE ACT(AS AMENDED
ACT).**

The petitioners most respectfully submit as under and thus claim of compensation on account of death of Prabhudas S/o Hemantdas Shadi, who died in an accident on dated 4/05/2018 at 8:00 hours.

The necessary particulars in respect of the person dead, the vehicle etc., are given below:-

1. Name and father's name of the person dead :- Prabhudas S/o
Hemantdas Shadi
2. Full address of the person dead :- As Above
3. Age of the person dead :- 52 years

4. Occupation of the person dead :- Service & household maintenance
5. Name and address of the Employer of the deceased, if any. :-
6. Monthly income of the person dead. :- Rs. 20,000/- P.m.
7. Does the person in respect of whom compensation is claimed, pay income-tax? (to be supported by documentary evidence) :- ----
8. Place, date and time of accident :- In front of Chandsawali Darga, Near Ramzula Bridge, Nagpur
On 4/05/2018 at 8:00 hrs.
9. Name and address of Police Station in whose jurisdiction the accident took place or was registered. :- Police Station Ganeshpeth, Nagpur.
10. Was the person in respect of whom compensation is claimed, traveling by vehicle proceeding by involve in the accident? If so, give the names of places of starting journey and destination. :- The deceased was a pedestrian
11. Nature if injuries sustained and continuing effect if any, of the injury. :- Fatal
12. Name and address of the Medical Officer/ Practitioner, if any who attended on the dead. :- 1) Hope Hospital, Nagpur
2) Mayo Hospital, Nagpur
13. Period of treatment and expenditure, if any, incurred thereon (to be supported by documentary evidence). :- Died during the treatment
14. Registration number and type of the vehicle Involved in accident. :- OLA No. MH-31/FC/1634
15. Name and address of the owner of the vehicle. :- Respondent No. 2

16. Name, policy number, insurance particulars and address of the insurer of vehicle. :- The Bajaj Allianz Gen. Ins. Co. Ltd. Policy No. 00-10-1701-1803-00628855 Period of Policy: 7/03/2018 to 6/03/2019

17. Has any claim been lodged with the owner/ insurance? It so with what result. :- No

18. Name and address of the applicant :- As above.

19. Relationship with deceased. :- The petitioner no. 1 is widow, Petitioner no. 2 & 3 are son of the deceased. Parents are no more

20. Amount of the compensation claimed :- Rs. 50,000/-

21. That, the petitioners have not filed the petition in any court of India except the present petition.

PRAYER :- It is therefore, prayed that this Hon'ble court be Pleased to grant the compensation of Rs.50,000/- with interest at the rate of 12%p.a. from the date of filing of the petition till its realization the amount.

Nagpur.

Dated :- 4/06/2018

C. F. Petitioners

Petitioner.

Solemn Affirmation

I, Maya Wd/o Prabhudas Shadi , Aged about 50 yrs., Occ- Household. R/o. Plot No. 480, Sai Vasanshah Chowk, Jaripatka, Nagpur-440014, do hereby state and takes an oath and solemnly declared the Contents of the above paras has been drafted by my counsel as per my instruction and he has explained to me in my vernacular and is found to be true and correct to my personal knowledge and belief.

Hence verified and signed at Nagpur on 4th day of June, 2018.

I know the Deponent personally.

(P. S. Mirache Advocate)

Deponent