

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 1007 OF 2015
WITH
CIVIL APPLICATION NO. 4329 OF 2015**

The New India Assurance Co. Ltd.,
Through its Manager (Legal Hub),
D.O. No. I, Adalat Road, Aurangabad,
Smt. Sharda Ashok Mandwekar,
Age: 45 years, Occu: Service,
R/o Aurangabad.

...Appellant

versus

1. Manisha w/o Sampat Bhangе,
Age: 22 years, Occu: Household,
2. Shivam s/o Sampat Bhangе,
Age: 03 years, Minor,
3. Jayesh s/o Sampat Bhangе,
Age: 01 years, Minor,

No. 2 & 3 are U/g of their real
Mother Claimant/R-1

4. Ganpat s/o Babasaheb Bhangе,
Age: 47 years, Occu: Nil,
5. Kamal w/o Ganpat Bhangе,
Age: 45 years, Occu: Household,
6. Hanumant s/o Balu Dhonde,
Age: Minor, Occu: Owner & Drivr,
R/o Murshadpur, Tq. Ashti,
District Beed.

...Respondents

.....
Mr. Prashant P. Deshpande, Advocate for appellant.
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CORAM : N.W. SAMBRE, J.

DATE : 15TH APRIL, 2015

ORAL ORDER :

This is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act, 1988 wherein, the Motor Accident Claims Tribunal has ordered payment of Rs.50,000/- under No Fault Liability to the claimants by the Insurance Company.

2. Mr. Deshpande, learned Counsel for the appellant, while questioning the legality of the findings recorded, would urge that even if while ordering the payment under No Fault Liability, the tribunal is required to be looked into prima facie case. According to him, the very investigation by the police in the matter of cause of accident, delay in lodging F.I.R., and manipulation thereof in the investigation is with an intention to saddle the liability on the Insurance Company. He would urge that principally, the amount has to be paid by vehicle owner and not by the Insurance Company.

3. If we consider the contentions canvassed by Mr. Deshpande at this stage, it is required to be noted that provision for No Fault Liability is made in the Motor Vehicles Act with an intention to extend immediate aid to the claimants upon demise of the person in an accident so that dependents/claimants are not left unattended. The payment under No Fault Liability as is ordered, if

could be found improper, the tribunal at the relevant time, upon taking into account the contentions which are raised herein above, can make appropriate order/observations. By keeping the contentions of the appellant intact to that effect, present first appeal stands dismissed.

4. The amount deposited in this Court, be immediately remitted back to the tribunal and it shall be appropriate that the tribunal to deal with the same upon request of the parties.

5. In view of dismissal of the first appeal, civil application does not survive, same stands disposed of.

[N.W. SAMBRE, J.]