

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

FIRST APPEAL NO. 1810 OF 2010

Smt. Rukminibai w/o. Asaram Rathod .. Appellant

Versus

Ramesh s/o. Shahadeo Jadhav & ors. .. Respondents

Mr. N.P. Bangar, Advocate for the appellant.

Mr. A.G. Deshmukh h/f. Mr. Milind M. Patil, Advocate for respondent Nos. 1 & 2.

Mr. G.S. Rane, Advocate for respondent No.3.

CORAM : A.V. NIRGUDE, J.

DATED : 28.07.2015

P.C. :-

1. This appeal challenges order dated 14.01.2009 passed by learned Member, Motor Accident Claims Tribunal, Beed, on application Exh.5, in Motor Accident Claim Petition No.48 of 2008.

2. Exh.5 was an application under section 140 of the Motor Vehicles Act for claiming 'No Fault Liability' amount. It is not quite in dispute that the claimant's next of kin died in motor accident on public road. The vehicle admittedly is belonging to the appellant, who is respondent No.1 in the Lower Court. Respondent No.2 in the Lower Court was the driver, who caused the accident.

The appellant (respondent No.1) took up a stand to oppose the application that prior to the accident he had agreed to sell the vehicle to respondent No.2, the driver of the vehicle. He also mentioned that after the accident, respondent No.2 took evasive steps by making submissions before the police that he would pay compensation to the victim etc. On the other hand, respondent No.1 by filing his reply, did not admit the above mentioned transaction between him and the appellant. In such situation, at prima facie stage, learned Member was under obligation to come to prima facie conclusion based on evidence that came on record. He gave more importance to the fact that the appellant is still shown as owner of the vehicle on the day of accident. He brushed aside the dispute between appellant and respondent No.2 in respect of agreement of sale etc.

3. I find no error in the approach of the learned Member. The order does not appear erroneous. The appeal stands dismissed.

[A.V. NIRGUDE, J.]