



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.531 OF 2025

(The New India Assurance Co. Ltd., Ahmednagar, thr. its Divisional Manager Vs.
Sunita wd/o Goutam Patil and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R. R. Dawda, Advocate for Petitioner.

CORAM: ANIL L. PANSARE, J.

DATE: 18th MARCH, 2025.

1. On 30.01.2025, following order was passed.

“Heard.

2. Petitioner – Insurance Company is challenging order passed by Motor Accidents Claims Tribunal, Nagpur whereby the Court was pleased to allow the application filed by the victim of the accident under Section 140 of the Motor Vehicles Act, 1988, which relates to the payment of compensation under the No Fault Liability principle.

3. Considering the provisions under Section 140 of the Act, let the petitioner deposit Rs.50,000/- to show its bona fides.

4. List the petition in the next week.”

2. The learned counsel for petitioner submits that the accident occurred because of the fault of husband of respondent no.1 (since deceased). He submits that

respondents themselves had pleaded that there is no other vehicle involved in the accident and the deceased made an attempt to cross the bridge flooded with water and while doing so, met with an accident as the truck was driven away by the flood water and consequently submerged. The deceased was warned by drivers of other vehicles but he ignored the advice and therefore, is not entitled for the compensation.

3. In my view, the argument could be considered while deciding the case finally. It is well settled that the application under Section 140 of the Motor Vehicles Act, 1988, which is popularly known as application for no fault liability, is to be entertained on the touchstone of 'no fault' principle, which has been duly considered by the learned Tribunal. The consideration find place in para no.6 of the impugned order which is read thus:

“6. In order to decide the no fault claim, the Tribunal must, on the basis of material on record, prima facie satisfied itself that (I) the accident arose out of a motor vehicle; (ii) which resulted in permanent disablement or death of a person; (iii) and the claim is made against the owner and the insurer of the motor vehicle involved in accident.”

4. Having considered the aforesaid ingredients, the learned Tribunal thought it proper to grant compensation of Rs.50,000/- to the respondent under the

head of no fault liability. I do not find any perversity in the approach. I am therefore, not inclined to interfere with the impugned order. The petition is accordingly dismissed.

5. The amount of Rs.50,000/- deposited by the petitioner in compliance to the order dated 30.01.2025 passed by this Court shall be remitted to the Motor Accident Claims Tribunal, Nagpur.

(ANIL L. PANSARE, J.)

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