

24.02.2024

**One regular Steno is on CCL from 19.02.2024 to
06.03.2024.**

Present: Sh. Neeraj Kumar, Ld. Counsel for petitioner.
Sh. C.P. Singh, Ld. Cousnel for R1 alongwith R1.
Sh. Yashasvi, Ld. Proxy Counsel for R3/Insurer through
VC.

Matter is fixed for Order on pending application of the petitioner under Section 140 of M.V. Act seeking interim compensation as moved on 18.05.2023.

No citation filed despite opportunity given. Submissions are already heard.

(i) Ld. Counsel for respondents opposed the application on ground that it is not maintainable as Section 140 M.V. Act has been deleted from the statute and there is no provision for grant of interim maintenance under the new Act. It was also submitted that FIR was not registered on the same date and there is no explanation for the same either in FIR or the claim petition. From the complaint made to the police, it is clear that apart from the injured, two other persons were seated on the victim motorcycle. It was also submitted that no mechanical inspection of offending vehicle is on record and there is nothing to suggest that there is any independent witness to throw light on whether the accident took place in the manner as alleged by the injured and whether there was involvement of alleged

offending vehicle in the accident. Ld. Counsel for the petitioner submitted that accident occurred in year 2021 and application is maintainable.

(ii) The application moved by the petitioner is dated 18.05.2023 whereas the Motor Vehicles Amendment Act came into effect on 01.04.2022. Section 140 of M.V. Act is no longer on the statute book and in absence of the provision of law, no order on interim compensation can be passed by the Tribunal on an application moved by the petitioner belatedly on 18.05.2023. Further, it is seen that in the WS filed by R1 & R2, they have pointed out to the delayed FIR and also denied involvement of their vehicle in the accident. Even though charge-sheet was filed in the present case, in the absence of mechanical inspection report showing sustaining of damage on the date of accident and delay in FIR, I furthermore do not consider it a fit case for concluding at this stage that there are sufficient materials to show *prima-facie* the involvement of offending vehicle in the accident at the initial stage and in my considered view, it is a matter of enquiry and evidence. Petitioner has failed to bring before the Court any case law or material to suggest that the application moved under Section 140 M.V. Act on 18.05.2023 is maintainable despite the new law coming into effect on 01.04.2022 itself. Application is hence dismissed.

(iii) Petitioner is directed to lead his evidence and be put up for PE on **18.05.2024**.

(Mayuri Singh)

**P.O. MACT (East)/Delhi
24/02/2024**