

Order below Exh.33 in MACP bearing No.497 of 2011

1. The present application has been filed by the applicant/petitioner (herein after mentioned as applicant) under Section 140 of Motor Vehicles Act (herein after mentioned as M.V.Act) for interim compensation as the applicant sustained serious injuries in an accident took place on 10/03/2011 at the time and place specified in the application involving the vehicle being Motorcycle bearing registration No. GJ-01-MC-8933 and scooter no GJ-01-CD-9426 , he suffered injuries resulting permanent disability. The applicant thus moved one claim-petition under Section 166 of M.V. Act for compensation of Rs.2,00,000/- together with an application under Section 140 of M.V. Act for interim compensation for an amount of Rs.25,000/- i.e. the present application under order.
2. In support of the present application the applicant has produced the following documentary evidence on record:
 - (i) Complaint dated 11/03/2011 at Mark-7/1
 - (ii) Panchnama of scene of accident at Mark-7/2
 - (iii) Injury Certificate at Mark-7/3
 - (iv) R.C.Book of offending vehicle motorcycle and scooter at Mark-7/4
 - (v) Insurance policy of offending vehicle motorcycle and scooter at Mark-7/5
 - (vi) Disability Certificate at Mark-35/1
3. The opponents were duly served. I have gone through the pleadings of applicant and insurance company, the parties and also the documents placed on record by the applicant. I have heard learned Advocates for both the parties.
5. From perusal of judicial record, it appears that offending vehicle is prima facie involved in the accident and the injuries sustained to the victim are caused consequent upon this vehicular accident and compensation has been claimed

against all the necessary parties in the present matter. Thus all the requirements and conditions mentioned in Sec.140 of M.V.Act have been satisfied. Moreover at this stage matter is not going to be decided on its merits. As the applicant has claimed compensation on the basis of no fault liability, in this event without ascertaining the negligence of driver/s, it is desirable to decide this application without looking into the issue of negligence. Hence from perusal of record and considering the pleadings, documents and arguments of Ld. Advocates on behalf of both the parties, the opponents being the owner and insurer of the vehicle are jointly and/or severally liable to pay interim compensation to applicant together with interest at the rate of 09% per annum from the date of the application till payment. Hence, I pass the following order;-

-: ORDER :-

- ◆ The present application is hereby allowed.
- ◆ The applicant to recover **Rs.25,000/-** (Rupees Twenty Five Thousand only) from the opponents jointly and/or severally together with interest at the rate of 09% per annum from the date of application till realization.
- ◆ The opponents are hereby directed to deposit the awarded amount in the office of this Tribunal within 30 days from the date of this order.
- ◆ After depositing of the above said amount, order for disbursement of the same shall be made as per Rules.

The application is hereby stands disposed off accordingly.

Signed and Pronounced in the open Court on this 22nd day of April, 2026.

Date: 22.04.2026
Place: Ahmedabad

[K S Trivedi]
UIC No.GJ00617
MAC. Tribunal [Aux.]
Ahmedabad [Rural]