

::: ORDER BELOW EX. 6 :::

(1) The present application has been filed by the claimants seeking compensation u/s.140 of the M.V. Act. It is claimed by the claimants that the deceased was died due to sustained serious injuries on account of an accident that took place on dated 25/03/2021 at the time and place specified in the application involving the vehicle being Motorcycle No. GJ-05-HM-7718. The claimants have thus, claimed an amount of Rs. 50,000/- together with interest under the provisions contained in Section 140 of the Motor Vehicle Act.

(2) The deceased was 46 years of the age and was healthy at the time of the accident and was earning Rs. 9,000/- per month. The claimants have thus, claimed an amount of Rs. 50,000/- together with the interest under the provisions contained in Section 140 of the Motor Vehicle Act.

(3) The Notice was served to the Opponents. The Opponent No.1 appeared through his Advocate and filed his written statement at Exh. 20. The Opponent No. 2 also appeared through his advocate and filed his written statement at Exh. 15.

(4) The applicants have, in support of their application produced material documents as under :-

Sr. No.	Description	Mark
1	Copy of FIR	5/1
2	Copy of Panchnama	5/2
3	Copy of Inquest Panchnama	5/3
4	Copy of P M Report	5/4
5	Copy of Death Certificate	5/5
6	Copy of R.C. Book of offending Motorcycle	5/6
7	Copy of Charge-sheet	5/7
8	Copy of Aadhar Card of opponent no. 1	5/8

(5) It is also settled principle of law that the defence raised by the insurer or the owner should be examined later on when the claim petition is decided on merits.

(6) Now, here is worth to mention that, this matter is for getting interim compensation under the provision of U/sec.140. The applicants who are the legal heirs of the deceased requires sympathetic approach and speedy disposal. In present case it is found on record the involvement of offending vehicle is proved on record, and at this juncture it is pertinent to note that, present application is decided on the basis of principle of No fault liability. The law laid down by the Hon'ble Apex Court, in a case reported in, **2010 GLR (NOC) 53, ESHWARAPPA @ MAHESHWARAPPA AND ANR.V.C. S.GURUSHANTHAPPA**, that the object of M. V. Act, U/Sec. 140 is to provide immediate monetary relief to the legal heirs of deceased, without raising any question on principle of no fault liability, and while deciding application under Sec. 140, no other

question regarding fault liability etc. could be gone into.

(7) It is prima facie establishes that taking place of the accident at the time and place specified, the involvement of offending vehicle and the death of the deceased on account of the said accident. Now, the opponent is the driver cum owner of the involved vehicle are to be fastened with the liability under “**No Fault Liability**” principle, it is to be prima facie shown that the vehicle involved in the accident. On perusal of the documents produced on record, it is clear that on the date of accident the vehicle was not insured with the Insurance Company and therefore the Opponent is liable U/s. 140 of M.V. Act.

(8) In my opinion, the ingredients contained in Section 140 of Motor Vehicle Act are satisfied and therefore, the material placed on for my consideration makes me come to the conclusion that the applicants are entitled to reliefs that they seeks. In the event, I pass following order.

:: ORDER ::

1. The application is hereby allowed.
2. The applicants are awarded an amount of **Rs. 50,000/- (Rupees Fifty Thousand Only)** together with interest @ **9%** per annum from the date of the application till its realization from the Opponent.
3. The Opponents are jointly and severally

(4)

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directed to deposit the aforesaid amount in this Tribunal within One Month from the date of this order.

4. Order for disbursement is to be made upon depositing the award amount in the Tribunal.

5. The Opponents do pay costs of the applicants and also bear that of their own.

Pronounced today on this 17th May 2022 in the open Tribunal at Surat.

Date: 17/05/2022
Place : Surat.

(Ms. AMITA. M. VAISHNAV)
Motor Accident Claims Tribunal
(Auxi)
JUDGE CODE- GJ 00565