

**:-: ORDER BELOW EX.6 :-:**

(1) The present application has been filed by the applicant seeking compensation u/s.140 of the M.V. Act. It is claimed by the applicant that he has sustained serious injuries of permanent disabling nature on account of an accident that took place on dated 02/11/2018 at the time and place specified in the application involving the vehicle. The applicant has thus, claimed an amount of Rs.25,000/- together with interest under the provisions contained in Section 140 of the Motor Vehicle Act.

(2) The applicant was 37 years of the age and was healthy at the time of the accident. The applicant has thus, claimed an amount of Rs. 25,000/- together with the interest under the provisions contained in Section 140 of the Motor Vehicle Act.

(3) The Notice was served to the Opponents. Opponent No.1 and 2 did not appear and not file their written statement against this Application. Opponent no. 3 has submitted

written statement at Exh.17.

(4) The applicant has, in support of her application produced material documents as under :-

Sr. No.	Description	Mark
1	Copy of FIR	Mark 5/1
2	Copy of Panchnama of place of incident	Mark 5/2
3	Copy of Statement of Complainant	Mark 5/3
4	Copy of MLC Certificate of applicant	Mark 5/4
5	Copy of R.C.Book of involved vehicle	Mark 5/5
6	Copy of Insurance Policy of involved vehicle	Mark 5/6
7	Copy of Charge-sheet	Mark 5/7
8	Copy of Disability Certificate	Mark 20/1

(5) Now, here is worth to mention that, this matter is for getting interim compensation under the provision of u/s.140. The applicant who is the legal injured himself 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/s. 140 is to

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provide immediate monetary relief to the injured or legal heirs of deceased as the case may be, without raising any question on **“principle of no fault liability”** and while deciding application under Section 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 injuries sustained by applicant on account of the said accident. Now, if the Insurance Company is 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 was insured with the Insurance Company and the insurance was in force, covering the risk. On perusal of the documents produced on record, it is clear that on the date of accident the vehicle was insured with the opponent Insurance Company and therefore the Insurance Company is also 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 applicant is entitled to reliefs that he seeks. In

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the event, I pass following order.

**:: ORDER ::**

- (1) The application is hereby allowed.
- (2) The applicant is awarded an amount of **Rs.25,000/- (Rupees Twenty Five Thousand only)** together with interest @ **9%** per annum from the date of the application till its realization from the Opponents.
- (3) All the Opponents are jointly and severally 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 applicant and also bear that of their own.

Pronounced today on this 30<sup>th</sup> day of April -2022 in the open Tribunal at Surat.

Date: 30/04/2022  
Place : Surat

**(Ms. AMITA M. VAISHNAV)**  
6<sup>th</sup> Motor Accident Claims  
Tribunal (Auxi).  
JUDGE CODE- GJ 00565  
Surat.