

ORDER BELOW EXH.2
IN APPLICATION NO.139 OF 2022

Perused the application and written statement filed by the insurer (Exh.15). Heard Ld. Advocate for the applicants and insurer.

2. Applicants claim to be the legal heirs of deceased-Bagada Ram Punamaram who met with vehicular accident on 14/12/2021 involving Transit Mixer No.MH-05-AM-1978.

3. Certified copies of FIR, Statement and Spot Panchnama indicate the involvement of alleged vehicle. Besides Inquest Panchnama and Cause of Death Certificate show that the deceased died due to injuries sustained in said vehicular accident. Copy of insurance policy shows that alleged vehicle was owned by the opposite party and it was insured with the insurer on the date of accident. The insurer has also confirmed the cover of insurance policy in its written statement. The defences raised by the insurer can be considered at the time of final hearing of the petition and it is not necessary to go into those details at this stage as the claim for interim compensation under Section 140 of the Motor Vehicles Act is based on the principle of No Fault. All the ingredients of Section 140 of the M. V. Act thus, said to have prima facie proved. Hence, the following order :-

ORDER

1. Application is allowed.
2. Opposite Party and Insurer do pay jointly and severally an amount of Rs.50,000/- to the applicants on account of NFL, within two weeks from today, failing which the interim compensation shall carry interest @7% p.a.

from the date of order, till realisation of the amount.

3. Opposite party and Insurer are directed to deposit the awarded amount to the credit of the below stated bank account of this Tribunal directly by NEFT/RTGS.

Account Name	MOTOR ACCIDENT CLAIMS TRIBUNAL, MUMBAI	
Account No.	IFSC	MICR
00000040777482356	SBIN0030002	400002273

4. Apportionment order is as under :

- Equal amount be paid to each Applicant.

5. The aforesaid amount be disbursed to the applicants by NEFT/RTGS in their bank account in a Nationalised bank of their choice, against proper identification and by following the necessary office procedure, subject to payment of deficit Court fees, if any.

Date : 29/03/2023

GDE

[N K Brahme]
CHAIRMAN
MACT, MUMBAI