

Order below Exh.2

(Passed on 12th March, 2026)

- 1) By this petition the petitioners are seeking interim compensation u/sec. 140 of Motor Vehicle Act 1988 on the ground of no fault liability.
- 2) Heard Mr. N. S. Nakhawa, the learned Advocate appearing for the petitioners. Also heard Mr. P. B. Nair, the learned counsel appearing for the Insurer. None of Opposite Party No.1 & 2 were present.
- 3) According to the petitioners, the accident took place on 14.11.2016, at about 19:25 hrs, near Jari Mari Mata Signal, Bandra Talao (W). At the relevant time, the deceased was riding his motorcycle bearing registration No.MH-02-EG-5858 at moderate speed with due care and caution and on the correct side of the road. When he reached near Jari Mari Mata Signal, Bandra Talao, one Motor Car bearing No.NH-47-N-2738 suddenly came from wrong side of the road and collided head on with the motorcycle of the deceased. Due to the impact, the deceased sustained serious brain injury and other multiple injuries on his body. He was in a state of comatose for more than 2 years and he was admitted and treated in various hospitals. However, he succumbed to the injuries on 06.04.2019.
- 4) The petitioners have placed on record the copy of First Information Report, Spot Panchanama, Accident Report Form, Injury Certificate, medical papers of Holy Family Hospital and Kokilaben Dhirubhai Ambani Hospital and Insurance Policy which shows that the Opposite Party No.1 was driving the offending

vehicles bearing registration No.MH-47-N-2738 which was owned by the Opposite Party No.2.

5) In support of their contentions, the petitioners relied on the insurance policy filed in the case wherein it is mentioned that the alleged vehicle Car bearing No.MH-47-N-2738 was insured with the Insurer from 04.10.2016 till 03.10.2017. The alleged accident took place on 14.11.2016. The FIR is lodged by Mr. Dadaso Kadam.

6) It is the submission of the insurer that the Insurance Policy filed along with claim petition is the fake policy. However, the insurance company will prove the same by leading the evidence to that effect. Moreover, there is delay caused in filing of the present petition as the accident took place on 14.11.2016 and the petition is filed in the year 2022. As the insurer has raised the defence of fake policy, therefore, I am of the opinion that the present application needs to be clubbed together with the main application. Hence, the following order.

ORDER

1. The Application Ex.2 is hereby filed and clubbed together with the main application filed under Section 166 of the Motor Vehicles Act.

Date : 12.03.2026

(M.I. Arland)
Chairman
M.A.C.T., Mumbai.