

ORDER BELOW EX.2 IN M.A.C.P. NO.563 OF 2019

Perused the application and say. Heard both the learned advocates.

2. By this application, the petitioner seeks interim compensation of Rs.25,000/-, under Section 140 of the Motor Vehicles Act, without placing on record disability certificate issued by either Medical Authority.

3. It is true that the liability under Section 140 of the Act is no-fault liability and fault cannot be and need not be peeped in to, while dealing with such applications.

4. However, this being tribunal is required to conduct summary trial, considering the documents placed on record and relied upon by the petitioner, who come to prima-facie conclusion that respondent is liable to pay compensation. For, reference can be made to the pronouncement between *New India Assurance Co. Vs. Gajanan Rambhau Mohite & Others, 1997(1) All MR 129.*

5. Since the disablement itself is in-question, it would not be apposite to award interim compensation, in absence of prima-facie evidence about permanent disablement, alleged to have been sustained in vehicular accident. Till date no disability certificate is adduced on record.

6. In the result, application Ex.2 stands rejected.

(Vikas S. Kulkarni)
Member, C.R. No.2
MACT, Mumbai

Date : July 14, 2023