

ORDER BELOW EX.2 IN MACP NO.485 OF 2020

1. Heard both sides. Perused the application, reply cum written statement of insurer Exh.12, say of insurer on Ex.2 and the entire record.

2. If permanent disablement of any person is resulted from an accident arising out of use of the vehicle, then such victim/claimant, without pleading neglect or default of anybody, can get compensation under section 140 of Motor Vehicles Act, 1988 from the owner and insurer.

3. While granting such relief, it is to be seen that there is nexus between vehicle involved, accident occurred and the permanent disability sustained by the victim.

4. In present case also, through the police papers, the applicant has shown nexus between vehicle [M/Bus No.MH-01-CV-8806] involved, accident occurred and partial permanent disablement of 59% sustained by the applicant. The insurer has confirmed the policy. Defence taken by the insurer cannot be considered at this stage. Copy of valid insurance policy is also on record showing that the offending vehicle was validly insured with it on the date of accident. Hence, this application deserves to be allowed. Therefore, I pass following order.

ORDER

1. Application is allowed.

2. Opposite party and insurer do pay jointly and severally Rs.25,000/- (Rupees Twenty Five Thousand Only) to the applicant within one month from today, failing which

: 2 :

the interim compensation shall carry interest at 7% p.a. from the date of order till realisation of the amount.

3. The opposite party and/or the insurer is directed to deposit the award sum to the credit of the bank account of this Tribunal directly by NEFT/RTGS mode. The details of the bank account of this Tribunal are as under:-

Account Name	MOTOR ACCIDENT CLAIMS TRIBUNAL MUMBAI
Account No.	00000040777482356
IFS Code	SBIN0030002
MICR Code	400002273

4. On such deposition of the amount, an amount of Rs.25,000/- along-with interest thereon be paid to the applicant, by NEFT/RTGS, on submitting his bank account passbook photocopy duly verified by his banker and against proper identification by obtaining acknowledgment thereof on payment of deficit court fees, if any.

Dt.03.10.2022

(S.B.Munde)
Member,
MACT, MUMBAI