

Order below Exh. 2 in M.A.C.P. No.635/2021

(Miss. Nishi Rakesh Doshi V/s. M/s. A.S. Tours & Travels
and Reliance General Insurance Co. Ltd.)

Applicant has filed this application u/s 140 of M.V. Act for grant of compensation under no fault liability.

2. In the instant application applicant contended that on 16.3.2021 at about 2:00 hrs. she was proceeding in Motor Car (MH-01-CV-1867) to Grant road, Mumbai. When the said motor car reached near Kherwadi bridge, Bandra (E), Mumbai at that time the driver of the Car drove it in fast speed, rash and negligent manner and gave violent dash to motor tempo from behind. Due to the impact applicant sustained serious injuries.

3. The respondent/Opposite party though served by RPAD failed to appear. Hence, matter proceeded exparte against it. Insurer filed its reply Ex.11 and opposed the application.

4. Heard.

5. In support of his claim, applicant has produced on record certified copies of police papers such as FIR containing statement of applicant, spot panchnama, medical papers and Insurance policy. The copy of insurance policy shows that the offending vehicle was duly insured with insurer at the time of accident. The disability certificate placed on record shows that the applicant sustained partial permanent disability to extent of 58%.

6. It is pertinent to note that while deciding application under Section 140 of Motor Vehicles Act, it is not necessary to see who is at fault. From record it appears that on 16.3.2021 vehicular accident has taken place in which applicant has sustained grievous injury. Moreover, during the period of accident vehicle is duly insured with Insurer. Hence, considering the medical evidence and police papers on record, I am of the opinion that there is no impediment to pass order under Section 140 of Motor Vehicles Act. Therefore, application deserves to be

allowed. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.2 is allowed.
2. Opposite party and Insurer shall pay jointly or severally an amount of Rs.25,000/- to the applicant within six weeks from the date of order failing which it shall carry interest @ 7% p.a. from the date of order till realisation.
3. 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. The details of deposit be informed to the Tribunal on its e-mail address: mactmumbai1@gmail.com
5. After depositing the compensation, it be disbursed in favour of applicant.
6. Amount of compensation so deposited shall be paid to the applicant by NEFT/RTGS as mentioned above after recovery of deficit court fee stamp, if any.

sd/-

[R.V. Jagtap]

Member, M.A.C.T. Mumbai

Mumbai.

Date: 21/2/2023

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