

ORDER BELOW EX.2 IN MACP NO.1217 OF 2021

Heard Learned advocate for the applicant. Insurer appeared through advocate. However, no written statement is filed on record by the Insurer.

2. On perusal of copy of FIR, spot panchnama, hospital papers prima facie it appears that on 26.6.2019 at about 5:30 hrs. injured/applicant was waiting for auto rickshaw, opposite Shivsena office, Shivaji Chowk, Mundhawa with care and caution. At that time offending Motor Tanker (MH-11-T-0622) came from Manjari road towards Mundhawa direction and while taking turn towards Gairan Vasti, in rash and negligent manner, gave dash to applicant. Out of this accident applicant/injured sustained injuries which are prima facie reflected in hospital papers. So also Disability certificate prima facie shows that applicant sustained disability.

3. Copy of Insurance policy placed on record prima facie shows that offending vehicle was insured with the insurer on the date of accident. So also Learned counsel for the Insurer made an endorsement on Ex.2 confirming the Insurance policy of the offending vehicle on the date of accident. As instant application is U/s.140 of M.V. Act at this stage, it is not necessary to decide whether offending vehicle was driven rashly or negligently. Hence, instant application deserves to be allowed. With this I proceed to pass following order :

**ORDER**

*Application is hereby allowed.*

Opposite party and Insurer shall pay jointly or severally a sum of **Rs.25,000/-** (*Rupees Twenty Five Thousand*) to the applicant within two weeks failing which it shall carry interest @ 7.5% p.a. from the date of order till realisation.

2) 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

3) Accounts Officer to make the payment to the applicant by NEFT/RTGS on due verification and identification, as per rules.

Dated : 23.03.2022

\*sb

(A.M. Chandekar )  
Member, CR.No.2  
MACT, Mumbai