

Order below Exh. 2 in M.A.C.P. No.1482/2021

(Sonam Sohanraj Jain V/s. Umeshkumar Omprakash Gupta
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. Applicant is injured of the accident. On 19.10.2021 applicant/injured was pillion rider on motorcycle (MH-03-AC-0401) along with her husband. When they reached at Goregaon-Mulund Link road, Opp. Pooja Hotel, Raghavendra Swami Marg, Mulund, Mumbai at that time Motor Tempo (MH-01-DR-1129) came from Sonapur Junction side in fast speed, in rash and negligent manner and dashed the motorcycle of the applicant. Due to the impact she sustained serious injuries and was removed to Fortis hospital for treatment. In the said accident he sustained permanent disability to extent of 46%.

2. The Opposite party failed to appear hence, petition proceeded ex-parte against him. Insurer confirmed insurance policy by making an endorsement on Ex.2.

3. In support of her claim applicant has produced on record certified copies of police papers such as FIR, statement of Ankit Semalani, spot panchnama, Discharge summary and Insurance policy. The copy of insurance policy indicates that the offending vehicle was insured with insurer at the time of accident. Applicant also placed on record original disability certificate issued by Dr. Naresh Khanna.

4. 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 19.10.2021 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: [**mactmumbai@gmail.com**](mailto:mactmumbai@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.

Mumbai.
Date: 21/09/2022
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[R.V. Jagtap]
Member, M.A.C.T. Mumbai