

ORDER BELOW EXH.2 IN MACP NO.1973 OF 2019

1. Perused the application and reply filed by the insurer at Exh.12. In the reply, the insurance of offending vehicle is admitted. The opposite party despite of service of notice remained absent and failed to contest the present application.

2. Contention of the claimant that he sustained injuries in vehicular accident dated 14.05.2019 due to dash between the offending vehicle bearing No.MH-04-GP-6888 and one unknown tempo, have been supported by the copy of FIR, statement and Spot panchnama. Further the copy of insurance policy is itself evident for showing that the offending vehicle is owned by the opposite party and was insured with the insurer on the day of incident. Moreover the medical papers and disability certificate discloses that the claimant had sustained severe accidental injuries and amputation of right upper limb.

3. The insurer has raised various grounds while opposing the application, but I think it is not required to be considered at this stage and can be looked into at the final hearing of the claim. The present application filed by the claimant u/Sec.140 of Motor Vehicles Act 1988 is for the interim compensation which is totally based on the principle of No Fault Liability. Therefore, taking into consideration the above said peculiar facts and circumstances as well as documents on record the present application deserves to be allowed, so in the result, I pass the following order.

ORDER

1. Application Exh. 2 is allowed.
2. The opposite party and insurer are directed to pay jointly and severally interim compensation of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the claimant, within a period of 30 days from today, failing which they shall pay simple interest @7.5% p.a. to the claimant on the said amount from the date of this order till its realisation.

3. The amount of interim compensation if deposited by the opponents as above, it be paid to the claimant by Account payee cheque, as per rules, on due verification.

Dt.16.12.2021

Uvg/-

(S. K. Choudante)
Member, C. R. No.4,
MACT, Mumbai.