

**ORDER BELOW EXH.5 IN M.A.C.PNO.218/2020**  
(Passed on this 28<sup>th</sup> day of August, 2023)

This is an application for compensation in respect of injury sustained to petitioner resulted from the motor vehicular accident and, as per principle of “No Fault Liability” as it contemplate to Section 140 of the Motor Vehicles Act, 1988.

2. Perused contents of the application and documents filed alongwith it. Also perused the written statement filed by respondent No.1 vide Exh.19.

3. Respondent No.1 denied all allegations and contention of the petitioner for want of knowledge or being false. According to it, fake and fabricated policy is created by respondent No.2 in respect of offending vehicle. Therefore, complaint is lodged at S.H.O. Nandanwan police station, Nagpur. Its copy is placed on record alongwith list vide Exh.21. At the other hand, respondent No.2 – owner of offending vehicle has failed to file his Written Statement or say within stipulated time, therefore petition and application is proceeded without his Written Statement or say.

5. In order to decide the no fault claim, the Tribunal must follow on the basis of material on record, prima facie satisfied itself that (i) the accident arose out of a motor vehicle; (ii) which resulted in permanent disablement or death of a person; (iii) and

the claim is made against the owner and the insurer of the motor vehicle involved in accident.

6. On perusal of the documents which came to be filed vide list Exh.4 by the petitioner it is prima facie seen that she sustained grievous injury in an motor vehicular accident in which the vehicle of the respondent No.2 is involved. In addition to this, there is disability certificate in prescribed form as required by the Act and came to be filed vide list Exh.16. At the outset of this certificate, it prima facie appears that, Dr. Abhinav Bhatnagar, D Ortho, DNB issued disability certificate and assessed 15% disability. In view of this and considering the scope of Section 140 of the Motor Vehicles Act, it prima facie appears that the petitioner is entitled for compensation under 'No Fault Liability' against respondent No.2. Issue in respect of producing a fake insurance document is to be scrutinized while perusing evidence of both sides. As the respondent No.1 – company has intimated a complaint in respect of production of fake insurance document of offending vehicle. Therefore, at this juncture, the respondent No.2 – owner of the vehicle is liable to pay compensation to the petitioners. If the respondent No.2 will be succeeded in future in respect of policy produced on record is true and genuine, then he is entitled to recover said amount from the respondent No.1 – company.

6. However, at this juncture, filed police papers clearly indicate about involvement of vehicle. In these circumstances, I do not find any substance in the objection raised by Insurance

Company about offending vehicle was not involved in alleged accident.

7. Thus, the resultant effect of the discussion in para *supra*, the petitioner has prima facie shown that she sustained grievous injury which resulted in disability, because of motor vehicular accident. Therefore, in my opinion, she is entitled to receive compensation from respondent No.2 under 'No Fault Liability' to the extent of Rs.25,000/-. Thus, the application needs to be allowed. Accordingly, I proceed to pass the following order.

**ORDER**

1. Application is allowed.
2. The petitioner is entitled for compensation of Rs.25,000/- (Rs.Twenty five thousand only) under 'No Fault Liability'.
3. The respondent No.2 to deposit a sum of Rs.25,000/- (Rs.Fifty Thousand only) towards 'No Fault Liability' with Tribunal within one month from the date of this order, failing which interest at the rate of Rs.7.5% p.a. will be applied on said amount.
4. The aforesaid compensation amount be paid to petitioner.

Nagpur  
Date: 28/08/2023

(Sajid A. Syed)  
Member,  
MACT-3, Nagpur.

**CERTIFICATE**

*I affirm that the contents of this P.D.F file of Order are word to word, as per original Order.*

Name of the Stenographer: G.A. Joshi (Grade-I)