

C.P NO. 577/2019
Basanti ..Vs.. Dipak & ors.

ORDER BELOW EXH.5 IN M.A.C.P.NO. 577/2019
(Passed on this 10th day of November, 2023)

This is an application for compensation towards permanent disability sustained in an accident arising out of use of motor vehicle and that too as per principles of “No Fault Liability” as it contemplate to Section 140 of the Motor Vehicles Act, 1988.

2. I have perused written statement filed by respondents vide Exh.15 and 18 respectively.

3. Respondents have denied the involvement of vehicle, income of petitioner and injuries sustained to her.

4. Petitioner in order to show prima facie case for entitlement of such compensation filed on record copies of some documents filed alongwith list Exh.4.

5. On perusal of these documents and particularly Form Comp AA, copy of FIR, crime details form, driving license, Insurance policy, registration certificate of vehicle, discharge summary and Adhar Card, it testifies that the petitioner sustained injury in an accident with Maruti car of respondent No.1.

6. For deciding the matter, the Tribunal must, on the basis of material on record *prima facie* satisfy itself for;- (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.

7. At the outset of documents filed on record, it testifies that the petitioner has not filed any document in respect of injury sustained to her. She also failed to submit any disability certificate to allow this NFL application. In the absence of cogent documents i.e. disability certificate, the petitioner is not entitled at this juncture to obtain compensation under Section 140 of the Motor Vehicle Act as prayed for. Considering the above discussion, I am of the opinion that petitioner is not entitled for compensation as claimed. Accordingly application is rejected.

Nagpur
Date: 10/11/2023

(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)