

ORDER BELOW EXH. – 6**In MACP NO.413 / 2013**

1. This is an application filed by the injured claimant for interim compensation of Rs.25,000/– under Section 140 of the Motor Vehicles Act. It is submitted on behalf of the applicant that the applicant had gone on motorcycle No.GJ 12 AL 7783 and the accident caused due to the negligence on part of the driver of one Truck No.GJ 12 AT 5928 at the time of accident on 10.01.2011. The applicant sustained severe injuries as a result of the accident. The applicant has, therefore, filed the claim petition in this regard. It is, therefore, prayed to allow the present application and award interim compensation to the applicant.

2. Heard Ld. Advocates for the parties and perused record of the present application. The parties have produced the copy of chargesheet, F.I.R., scene of occurrence panchnama, treatment certificate, R.C. Book and cover-note of truck, driving licence of opponent No.1 as well as of applicant, disability certificate, which are considered. Whereas no evidence in rebuttal has been submitted by the opponents.

3. I have considered the written statement submitted by the opponent insurance company and perused the documents produced and prima facie involvement of the applicant, who sustained injuries in the present accident, which resulted into permanent disablement, involvement of the vehicle and coverage of the insurance are established. Hence, the following order is passed.

ORDER

1. The present application is hereby allowed.
2. The applicant do recover from the opponents jointly and severally, sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with interest at the rate of 09% p.a. from the date of the petition till realization.
3. The aforesaid opponents do deposit the aforesaid amount in this Tribunal within one month from the date of this order.
4. Out of the deposited amount, 70% shall be deposited in any Nationalized Bank within the radius of 08 k.m. from the residence of the applicant and if not available, then in the nearest Nationalized Bank for a period of 05 years and the remaining 30% share shall be paid to him by way of Account Payee cheque only.

The concerned Bank is directed not to grant any loan, advances or withdrawal against the said F.D.R. without obtaining prior permission of this Tribunal.

Pronounced in the open Tribunal on today 26th Day of October, 2016 at Bhuj–Kachchh.

(Mangesh R. Mengdey)
Motor Accident Claims Tribunal,
(Main) Kachchh at Bhuj.
GJ00913

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