

~: ORDER BELOW EX. 6 IN M.A.C.P NO.450/2015 :~

1. The present application is filed by the applicant u/S. 140 of the Motor Vehicle Act to get interim compensation of Rs. 25,000/- for the injuries sustained by the applicant in the vehicular accident arising out of the use of the motor vehicles involved in the accident.
2. Heard Learned Advocates for the concerned parties. Opponent No. 1 and 2 remained absent. Opponent No. 3 appeared through his learned advocate and filed its reply vide Exh. 17.
3. The applicant has produced copy of F.I.R., Panchnama of scene of occurrence, Injury Certificate, Disability Certificate at Mark - 15/5 and Insurance particulars etc. Now, looking to the record of the case, it appears that alleged vehicles were involved in the accident and due to the said accident, the applicant sustained injuries resulting into permanent disablement. It also appears that all the requirements and conditions mentioned in Sec. 140 of the M.V. Act have been satisfied. Moreover, at this stage it is not necessary to prove as to whose fault the accident occurred, because this claim is on the basis of no fault liability. Hence, in my view the applicant is entitled to get interim compensation u/S. 140 of the M.V. Act. Hence, this Tribunal pass the following order.

~: ORDER :~

1. This application is hereby allowed.
2. The opponents are ordered to pay Rs.25,000/- jointly and severally to the applicant with simple interest at the rate of 9% per annum from the date of filing of the application till realization.
3. Opponents are hereby directed to deposit in the office of this Tribunal the said amount of award, within one month from the date of this order.
4. Above referred amount be paid to applicants by account payee cheque after proper verification.

Signed and pronounced in the open Court on this 30th October, 2018.

Date:- 30/10/2018

Place: Surat

(Dipen Dilip Kumar Buddhdev)

M.A.C.T. [Aux.], Surat

Code No :GJ 00337