

ORDER BELOW EXH.4 IN M. A. C. PETITION NO.1105 OF 2013

APPEARANCE:

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1.Shri D.A. Antani, Learned Advocate for the applicant.
 2.Opponent No.1 - Served.
 3.Shri A. J. Popat, Learned Advocate for the Opponent No.2.
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1. This application has been filed by the applicant under section 140 of The Motor Vehicle Act for getting interim relief of compensation of Rs.25,000/- for permanent disablement caused to him on account of injuries sustained by him in vehicular accident resulted from the accident occurred on account of use of vehicle involved in this case.

2. Heard learned advocates for the parties. Read application and written objection filed by the other side. Perused the documentary evidence produced in support of application in forms of Janva Jog Entry, R. C. Book, Driving Licence, Prescription issued by Shree Arasuri Ambaji Mata Devasthan Trust Cottage Hospital, Ambaji, Medical certificate issued by Dr.Mukund A. Suthar, Idar, Discharge Summary, Injury Certificate issued by Dr.Avinash K. Maru, Madhura Hospital, Rajkot, Treatment summary, Disability Certificate, Salary slip of applicant coupled with Insurance Policy, etc..

3. The applicant in this case, is required to prove the involvement of vehicle and the resultant disablement on account of injury sustained in vehicular accident. The defence of the other side are

required to be considered at final stage (as laid down by our own High Court in one decision, reported at 1994(2) GLH-58 in case of New India Assurance Co. Ltd. v/s. Mithakhan Dinakhan), and not at this juncture. From the above referred documentary evidence, it is proved that the vehicle in question was involved in the accident and applicant had sustained permanent partial disablement due to injuries caused in the vehicular accident caused by the vehicle. Therefore, I allow this application with interest, considering the recent pronouncement of our Apex Court and I pass the following order.

: O R D E R :

The application is allowed.

The opponents are hereby jointly and severally ordered to pay the applicant or deposit in this Tribunal an amount of Rs.25,000/- (in words, Rupees Twenty Five Thousand Only) with 8.5% p. a. interest thereon from the date of the application till realization, within one month from the date of this order.

Orders for Fix Deposit shall be passed after amount is deposited.

Award be drawn accordingly.

Pronounced in open Court today on 22nd July, 2014.

Date : 22 / 07 / 2014

Place : RAJKOT.

(ISHVARJI B. VAGHELA)
[UIC NO.GJ00087]
Motor Accident Claims Tribunal
(Main) R A J K O T

