

MACP/30/2013

ORDER

Registration No.: MACP/30/2013

Filing No.: MACP/30/2013

Filed On: 29/01/2013

Registered On : 29/01/2013

IN THE DISTRICT COURT AT SURAT

MAC PETITION NO. 30 OF 2013.

Petitioner:

1. Thakorbhai Karshanbhai Patel
Patel Faliyu, At. Kasala Khurd, Tal. Olpad,
Surat

VERSUS

Respondent :

1. Ketkiben Sandipkumar Gupta
At. Present.103, Rajhans Campus, Opp. Atal
Ashram, Adajan, Hajira Road, Surat
Native Place-House No.148, Sector 15, Gudgaon,
Hariyana
Surat
& Others

Appearance:

K.P.ASHARAWALA For Petitioner 1

S.K.PATEL For Respondent 1, 2

D.G.SHAH For Respondent 3

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ORDER BELOW EXH. 6
I N
MOTOR ACCI. CLAIM PETITION NO. 30 OF 2013

1. The present application has been filed by the applicant under Sec. 140 of the Motor Vehicles Act, 1988 for getting interim compensation of Rs. 25,000/- for the injuries sustained and permanent disablement caused to him in vehicular accident which occurred on account of use of motor vehicle involved in the accident.
2. Opponent No. 1 is the owner of Toyota Car No. HR 26 BS 4281 and the Opponent No. 2 is the Insurance Co. who has insured the vehicle involved in the accident.
3. Heard the learned Advocates for the parties.
4. The applicant has produced the following documents.

1. FIR	M. 5/1
2. R C Book	M. 5/2
3. Insurance particulars	M. 5/3
4. Medico legal papers	M. 5/4
6. Disability Certificate	M. 19/1
5. On perusal of the documents, prima-facie it is established that the accident occurred on 26-11-2012 wherein the applicant sustained injuries as shown in Medico Legal papers M. 5/4, and having disability of 26 % as shown in the Disability Certificate M. 19/1. It is also prima-facie established from the documents produced on record that, Opponent No. 1 is the owner of the offending vehicle involved in the present accident. Accordingly, the applicant is entitled to get interim compensation under the provisions of Sec. 140 of the Motor Vehicles Act, 1988 from the opponents, jointly and severally. Hence, I pass the following order.

O R D E R

Application is hereby allowed.

Applicant do recover from the opponents, jointly and severally, an amount of Rs. 25,000/- (Rupees Twenty Five Thousand only) as interim compensation together with interest at the rate of 9% per annum from the date of this application till actual realization.

On depositing the amount in the Tribunal, 30% of the amount along with proportionate interest thereon shall be paid to the applicant by crossed Account Payee cheque. Rest of the amount along with proportionate interest thereon shall be placed in Fixed Deposit Receipt in the name of the applicant in any Nationalized Bank for a period of 5 years.

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Opponents shall satisfy the award as per the statutory requirement within One month from today.

The conditions of F.D.R. will be made at the time of withdrawal of amount.

Pronounced in open Court on this 04th day of April, 2014

(I. C. SHAH)
Chairman,
M.A.C. Tribunal (Main) Surat.
Code No. GJ00068