

ORDER BELOW EX.2 IN APPLICATION NO.1 OF 2018

Perused the application & reply filed by insurer (Exh 11).

Heard learned counsels for both applicant and insurer. Opposite party is duly served but remain absent. Hence, application proceeded Ex-parte.

Applicant claim to have received injuries in a vehicular accident dated 01.01.2017 in which Auto rickshaw bearing registration No. MH-03-CG-1165 was involved which resulted in his partial permanent disablement. The case of the applicant is very well supported by documentary evidence such as certified copies of Station Diary, Medical Papers, Insurance Policy, Disability Certificate which fortify the contention of the applicant.

The defense raised by insurer can be consider at the stage of final hearing. At this stage involvement of the vehicle is duly proved so also applicant has received permanent partial disability. Thus, requirement of U/s 140 is fulfilled. Hence, I passed the following order.

ORDER

1. Application is allowed against Opposite party.
2. Opposite Party shall pay a sum of Rs. 25,000/- to the applicant on account of NFL, within a period of one month from the date of this order, failing which opposite party shall pay interest on the said amount @ 7.5% p.a. from the date of order, till realisation.
3. Opposite party is directed to make payment by A/c payee cheque duly crossed and drawn in the name of applicant by depositing the same in the Tribunal. Account Officer, on receiving the cheque shall handover the cheque to the applicant on due verification by obtaining acknowledgment thereof on payment of deficit court fees, if any.

Date :20/01/2020
nvsvd

[S D Raikar]
CHAIRMAN
MACT, MUMBAI