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Court : Madhya Pradesh

Decided On : Mar-14-1995

Reported in : 1996ACJ392; AIR1995MP201; 1995(0)MPLJ675

Judge : J.C. Chitre, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 140 and 142

Appeal No. : C.R. No. 134 of 1994

Appellant : Ashok

Respondent : Ashok Singh and ors.

Advocate for Def. : S.S. Chawla, Adv.

Advocate for Pet/Ap. : H.S. Rajpal, Adv.

Judgement :

ORDER

J.C. Chitre, J.

1. Heard Shri H.S. Rajpal, for petitioner; Shri S. S. Chawla, for Re. No. 3.

This revision is being finally decided on the prayer of both the parties.

2. The main grievance of the petitioner is that the Tribunal rejected the prayer for interim relief under Section 140 of the Motor Vehicles Act 1988 (hereinafter referred to as Act), for no reasons. Shri Rajpal submitted that there is a certificate from the medical practitioner from Choithram Hospital certifying that the petitioner suffers 10% permanent disability because of the accident in question.

3. The principle behind enacting Section 140 of the Act is benevolent and it is specially made for the purpose of giving interim relief to a victim who has approached the Tribunal for getting the compensation for the permanent disability suffered by him in an accident in which vehicle has been involved. When there is a certificate of medical practitioner certifying a permanent disability, there is no reason for Tribunal to reject a prayer for interim relief in view of Section 140 of the Act. Therefore, the Tribunal has obviously committed the illegality.

4. It is to be noted that when the Tribunal is entertaining an application preferred by a victim of motor accident, in view of Section 140 of the Act, the Tribunal has not to probe the issue with detailed enquiry. It is to ascertain whether motor vehicle was involved in the said accident and whether the claimant has made out a prima facie case of permanent disability. In view of Section 42 of the Act, the claimant should not be asked to lead the evidence to the point of proving the fact as required in any litigation, for final verdict to be given. That much of evidence is not necessary while disposing an application connected with Section 140 of the Act, of claimant made to the Tribunal in respect of a claim in which motor vehicle is involved in the accident. The Tribunal has to dispose of such application in spirit in which Sections 140 and 142 of the Act have been enacted.

5. I find substance in the submission made on behalf of opponent No. 3 by Shri Chawla that some claimants deliberately delay the hearing of such cases for the purpose of earning more interest. Shri Rajpal has submitted that the present claimant is not interfered in delaying the matter. It has been pointed that the matter has been fixed for recording of evidence on 24-3-95. Shri Rajpal for petitioner has also expressed his desire to lead evidence before the Tribunal as early as possible and to get it decided as early as possible. Therefore, the anxiety lingering in the mind of Shri Chawla, counsel for opponent No. 3 would be removed. Both the

contesting parties and the Tribunal are directed to decide the claim expeditiously so as to avoid delay.

6. In the result, the opponents, jointly and severally are directed to pay sum of Rs. 12,000/- (Rs. twelve thousand) to the petitioner within a month. If the said sum is not paid within a month, the petitioner would be entitled to get interest at the rate of 12% per annum on said amount till the said amount is' paid, C.C. on payment.

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