

(1998) 01 MP CK 0052
In the Madhya Pradesh High Court
Case No : M.A. No. 419 of 1997

Mohar Singh

APPELLANT

Vs

Hari Ram and Others

RESPONDENT

Date of Decision : 16-01-1998

Acts Referred:

Motor Vehicles Act, 1988 — Section 140

Citation : (1999) ACJ 622

Hon'ble Judges : Faizanuddin, J

Bench : Single Bench

Advocate : Mahesh Haswani, for the Appellant; M.P. Agrawal, for the Respondent

Final Decision : Allowed

Judgement

Fakhruddin, J.—The appeal is against order dated 21.7.1997 passed by Second Additional Motor Accidents Claims Tribunal, Gwalior in Claim Case No. 27 of 1995 whereby it rejected the application u/s 140 of the Motor Vehicles Act, 1988 filed for interim compensation.

2. An incident is said to have occurred on 17.3.1995 in which claimant Mohar Singh sustained fracture of tibia and fibula bones of his right leg. In para 10, the Tribunal has found that the accident occurred due to rash and negligent driving of the offending vehicle. It has also found that the claimant was got medically examined in J.A. Group of Hospitals, X-ray report shows that the claimant sustained fracture of tibia bone of his right leg. It has further found that the discharge certificate shows that the appellant-claimant had sustained fracture of tibia and fibula bones of his right leg. Having found so, the Tribunal rejected the application of the appellant.

3. Having considered the facts and circumstances of the case and also having perused the material on record, that is, X-ray report dated 17.3.1995 and the discharge certificate dated 19.3.1995, in the opinion of this Court, there is sufficient material on record for the grant of interim compensation to the

appellant. Accordingly, this appeal is allowed, the impugned order is set aside and it is held that the appellant is entitled to interim compensation with interest at the rate of 12 per cent per annum from the date of application. This amount be paid within three months. If the respondents fail to pay the interim compensation within three months from today, then the appellant will be entitled to penal interest at the rate of 15 per cent per annum.

Counsel's fee Rs. 500, if certified.