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**(1991) 02 MP CK 0044**  
**In the Madhya Pradesh High Court**  
**Case No : M.A. No. 139 of 1990**

New India Assurance Co. Ltd.

APPELLANT

Vs

Ashadevi and Others

RESPONDENT

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**Date of Decision :** 16-02-1991

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 140

**Citation :** (1991) ACJ 649

**Hon'ble Judges :** S.K. Dubey, J

**Bench :** Single Bench

**Advocate :** V.K. Sharma, for the Appellant; Arun Mishra, for the Respondent

**Final Decision :** Dismissed

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## Judgement

S.K. Dubey, J.—Counsel heard. This appeal is being disposed of finally at the admission stage itself.

2. This is an appeal arising out of an interim award passed by the Motor Accidents Claims Tribunal, Datia (for short "the Tribunal") u/s 140 of the Motor Vehicles Act, 1988 (for short "the Act"). The grievance of the appellant is that the accident was not only denied by the appellant insurance company but by the owner of the vehicle also; therefore, the Tribunal ought to have held a summary enquiry before passing the interim award and that having not been done, the interim award passed is without any jurisdiction.

3. After hearing counsel and Mr. Arun Mishra, counsel for the respondents/claimants, I am of the opinion that the contention of the counsel for the appellant has no merit. The record of the Tribunal shows that the claimants for seeking the relief u/s 140 of the Act not only filed certified copy of the "challan" against the driver of the vehicle involved in the accident, but also filed copies of the post-mortem report and the first information report, wherein the number of the vehicle involved in the accident is clearly mentioned. In view of this, the Tribunal has come to a prima facie finding that the vehicle was involved in the

accident. Therefore, it cannot be said in any manner that the interim award passed was without any material or enquiry.

4. In the result, the appeal has no merit and is dismissed with costs. Counsel's fee Rs. 300/- if already certified. It is directed that the insurance company shall deposit the amount of the interim award within a period of two weeks from today, failing which the amount shall carry interest at the rate of 12 per cent per annum from the date of the application till realisation. Mr. Sharma, at this stage, stated that 50 per cent of the award has already been deposited. If that is so, due adjustment of the deposit so made shall be given to the insurance company. Record be sent to the Tribunal immediately.