
(2012) 03 GAU CK 0023
In the Gauhati High Court
Case No : MFA No. 8 of 2011

The National Insurance Company Ltd. APPELLANT
Vs
Laishram Sunil Singh, Shri Moirangthem Imo Singh and Shri RESPONDENT
Moirangthem Munal Singh

Date of Decision : 13-03-2012

Acts Referred:

Motor Vehicles Act, 1988 — Section 140

Citation : (2012) 03 GAU CK 0023

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Advocate : K. Pradeep, for the Appellant; S. Jibon, for the Respondent

Judgement

T. NK Singh

1. Heard Mr. K. Pradeep, learned counsel appearing for the appellant/Insurance Company and Mr. S. Jibon, learned counsel appearing for the respondents.
2. This appeal is directed against interim award dated 30.6.2011 passed in Motor Accident Claims Case No.115 of 2010 (for short MACT).
3. Mr. Pradeep, learned counsel for the appellant strenuously contends that for passing an interim award u/s 140 of the MV Act, 1988 the learned Tribunal has to satisfy that there is permanent disablement of the victim of the motor accident and for such prima facie decision, there shall be material document. He further contends that the documents produced by the claimants are not genuine and also opportunity was not available to the appellant to raise objection to the genuineness of the documents. The learned tribunal in the impugned judgment and order dated 30.6.2011 made a finding that for consideration of the application u/s 140 of the MV Act for awarding interim compensation on the basis of no fault liability, Tribunal is not required to conduct a thorough enquiry. It is a summary procedure where the Court has to prima facie satisfy itself on the basis of the documents placed before it.

4. This Court is not interfering with this finding inasmuch as the learned Tribunal has to prima facie satisfy on the basis of the documents placed before him for awarding interim compensation for no fault liability in an application u/s 140 of the MV Act. However, this court is compelled to make an observation that while the learned Tribunal is coming to the prima facie satisfaction on the basis of the documents placed before him, the Tribunal is duty bound to see whether the documents produced before him are admissible documents or not.

5. It is the submission of both the parties that Motor Accident Claims Case No.115 of 2010 is still before the learned Tribunal. In such circumstance, this Court is of the considered view that the learned Tribunal should available the opportunity to the appellant/Insurance Company to raise objection to the admissibility or authenticity of the documents produced by the claimant for proving that he had suffered permanent disablement. Thereafter, the learned Tribunal may pass appropriate order after coming to the finding as to the admissibility of the documents produced by the claimants while disposing the Motor Accident Claims Case No.115 of 2010

6. Learned Registrar of this Bench is directed to deposit Rs. 12,500/- (Rupees Twelve Thousand Five Hundred) deposited by the Insurance Company at the time of filing the present appeal to the account of the Presiding Officer, MACT, Manipur.

7. With the above observation, this appeal is disposed of.