**In The Court Of Motor Accidents Claims Tribunal At Shimla**

MAC No.: \_\_\_\_\_\_of 2004

Petitioner

Versus

Respondents

PETITION UNDER SECTION 166 OF THE MOTOR VEHICLES ACT FOR THE GRANT OF COMPENSATION TO THE PETITIONER ON ACCOUNT OF DAMAGE TO HIS \_\_

**Respectfully Sheweth:**

I, \_\_\_\_\_\_, the above named petitioner, do hereby apply for the grant of compensation loss/damage sustained to my property described as \_\_\_\_\_ by use of Motor Vehicle of the respondent No. \_\_\_\_\_. The necessary particulars of the \_\_\_\_\_\_ in question are given as under: -

|  |  |  |
| --- | --- | --- |
| 1. | Name and father's name of the claimant:  | Same as given in memo of parties above. |
| 2. | Full address of the property: | Resident of: \_\_ |
| 3. | Age of the injured/deceased:  | \_\_ Years. |
| 4. | Occupation of the injured/deceased: | \_\_ presently |
| 5. | Name and address of the deceased/injured:  | Resident: \_\_ |
| 6. | Did the person in whose respect compensation is claimed pay income tax:  | Yes/No. |
| 7. | Monthly income:  | Rs. \_\_ |
| 8. | Place, date and time of accident:  | Accident took place at \_\_ |
| 9. | Name of police station:  | PS: \_\_ |
| 10. | Was the person in whose respect the compensation is claimed traveling in the bus and if so than the place of start of journey & destination: | The person in whose respect the compensation is being claimed was traveling in the \_\_\_\_\_\_ |
| 11. | Nature of the loss/injury sustained by the property:  | The \_\_\_\_\_\_  |
| 12. | Name and address of the person who attended/visited the property: | \_\_\_\_\_\_  |
| 13. | Period of treatment and expenditure:  | The injured/deceased remained under treatment from \_\_\_\_\_\_ |
| 14. | Registration and type of vehicle involved in the accident:  | Regn No. \_\_\_\_\_\_ |
| 15. | Name of the insurer:  | Not known. \_\_\_\_\_\_ |
| 16. | Has any claim been lodged with the insurer:  | \_\_\_\_\_\_ not known.  |
| 17. | Name and address of the owner of the vehicles: | Same as given in memo of parties above. |
| 18. | Name and address of the applicant: | Same as given in memo of parties above.  |
| 19 | Relation with the deceased/injured:  | The petitioner \_\_\_\_\_\_  |
| 20. | Title to the property:  | The \_\_\_\_\_\_ |
| 21. | Amount of compensation: | Total amount claimed is \_\_\_\_\_\_ |
| 22. | Any other information which may be necessary for the disposal of the claim: | The \_\_\_\_\_\_  |
| 23. | Reasons or grounds for late submission of claim application on which condonation of delay is claimed. | The claim application is within the period of limitation. |
| 24. | Cause of Accident with brief description:  | \_\_\_\_\_\_ |

 It is, therefore, respectfully prayed that the petition be allowed and the petitioner may be awarded compensation amounting to Rs \_\_ as \_\_ and interest thereon @18% per annum till payment against all the respondents jointly and severally.

Shimla Petitioner

\_\_\_\_\_\_\_ Through, Advocate

Verification:

 I, the above named deponent do hereby verify that the contents of this affidavit of mine are true and correct to the best of my knowledge and belief.

 Verified at Shimla this \_\_\_\_\_\_\_.

Petitioner

**IN THE COURT OF MOTOR ACCIDENTS CLAIMS TRIBUNAL AT SHIMLA**

Petitioner

Versus

Respondents

Applications Under Section 140 of The Motor Vehicles Act For Compensation On Account of No Fault Liability

**Respectfully Sheweth:**

1. That the petitioner hereinabove has filed an application under the Motor Vehicle Act in this Hon'ble Court, hearing/final disposal whereof will take some time.

2. That it is apparent from perusal of grounds and documents attached therewith that the petitioner has prima facie a very good case in his favour and the petition is bound to succeed.

3. That the balance of convenience is clearly in favour of making of an interim order granting a sum of Rs. 50,000/- on account of No Fault Liability to the petitioner pending disposal of the petition.

4. That interest of justice demands that the respondents are directed to deposit and pay a sum of Rs. 50,000/- to the petitioner as admittedly the death/permanent disablement has been occasioned by the use of the vehicle of the respondents and the same is amply evident from the perusal of grounds of petition and the documents attached therewith.

5. It is, therefore, most humbly prayed that this application may be allowed and the respondents be directed to deposit and pay a sum of Rs. 50,000/- to the petitioner under the Act on account of No Fault Liability in interest of justice.

FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla Petitioner

\_\_\_\_\_\_\_ Through, Advocate

**IN THE COURT OF MOTOR ACCIDENTS CLAIMS TRIBUNAL AT SHIMLA**

MAC No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of Application under Section 140 of the Motor Vehicles Act

 I, \_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under: -

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 5 of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_\_.

Deponent

**In the Court of: Motor Accidents Claims Tribunal at Shimla**

\_\_\_\_\_\_\_ Versus \_\_\_\_\_\_\_

SUIT: Accident Claim

|  |  |
| --- | --- |
| Name & Parentage  | Address |
| \_\_\_\_\_\_\_  |    |

In the above noted suit every summons, notice & other order may be served on me on the address given above during the pendency of the suit. Change of Address will be intimated to the Court.

Dated: \_\_\_\_\_\_\_

 Plaintiff/Petitioner

 Defendant/Respdt.

 Through, Advocate

PROCESS FEE

**In the Court of : Motor Accidents Claims Tribunal at Shimla**

\_\_\_\_\_\_\_ Versus \_\_\_\_\_\_\_

Claim : Accident Claim

Date of Hearing :\_\_\_\_\_\_\_

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date | By Whom Filed | Purpose | Amount | Stamp |
| \_\_\_\_\_\_\_  | Petitioner | For the service of the Respondents as under:-  |   |   |

Advocate

Received on \_\_\_\_\_\_\_ Court-fee stamp of the value of Rs. \_\_\_\_\_\_\_ with \_\_\_\_\_\_\_\_ copies in case No. \_\_\_\_\_\_\_ of 2004 in Re. \_\_\_\_\_\_\_ Vs \_\_\_\_\_\_\_

Signature of the Head Notice Writer

**Under Order 7 Rule 13 (1) CPC**

**List of Documents Filed By Plaintiff/Defendant**

**In the Court of: Motor Accidents Claims Tribunal at Shimla**

\_\_\_\_\_\_\_ Versus \_\_\_\_\_\_\_

Date of Hearing: \_\_\_\_\_\_\_\_\_

Suit For: Claim Petition

Date of Production: \_\_\_\_\_\_\_

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| S. No. | Details, date of document | What is intended to be proved from the document | If documents filed what is Exhibit marked on it | If rejected then the date of return of the document |
|   |   | To prove petitioner's case |   |   |
| 1.
 | FIR |   |   |   |
| 1.
 | Postmortem Report |   |   |   |
| 1.
 | School Leaving Certificate |   |   |   |
| 1.
 | Income Certificate |   |   |   |
| 1.
 | \_\_\_\_\_\_\_ |   |   |   |
| 1.
 | \_\_\_\_\_\_\_ |   |   |   |

Date: \_\_\_\_\_\_\_

Counsel for Plaintiff/Defendant

**List of Document Relied Upon**

**Under Order 7 Rule 14 CPC Filed by: -2-**

**In the Court of: Motor Accidents Claims Tribunal at Shimla**

\_\_\_\_\_\_\_ Versus \_\_\_\_\_\_\_

Suit: Claim Petition

Date of hearing\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
|  1. | Have you produced any documents with the plaint so, what are those document  | Yes Sir, as per list. |
| 2. | Do you wish to produce any more documents, which are in your possession and custody if so, what are those documents?  | Yes sir, if required. |
| 3. | Do you wish to relay upon any other documents, if so in whose possession they are and what are those documents. | Yes sir, later on. |

Counsel for

Dated: \_\_\_\_\_\_\_

**IN THE COURT OF MOTOR ACCIDENTS CLAIMS TRIBUNAL AT SHIMLA**

Case No:\_\_\_\_\_\_\_ of 2004

Petitioner

VERSUS

Respondents

KNOW ALL TO whom these presents shall come that I/We \_\_\_\_\_\_\_\_\_ the above named \_\_PETITIONER/RESPONDENT do hereby appoint: - \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be the advocate for the \_\_ PETITIONER/RESPONDENT in the above mentioned case, to be all following acts, deeds and things or any of them that is to say:

1. To act, appear and plead in the above mentioned case in this Court or any Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or execution or in any other stage of its progress until its final decision.

2. To present Complaints, Pleadings, OA, MA, Appeals, Letters Patent Appeals, Petitions for Appeal to High Court/Supreme Court, Cross-objections or Petition for execution, review, revision withdrawal compromise or other petitions or affidavit or other documents as may be deemed necessary or advisable for the prosecution of the said case in all it's stages.

3. To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or in any manner relating to the said cause.

4. To receive moneys and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

5. To employ and instruct any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/We hereby agree to ratify whatever the advocate or his substitute shall do in the premises.

AND I/We hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of his absence from the court when the said cause is called up for hearing.

AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

IN WITNESS WHEREOF I/We hereupto set my/our hands to these presents the contents of which have been explained to me/us and understood by me/us the \_\_\_\_\_\_\_

Accepted

Advocate Client