

9. LIABILITY WITHOUT FAULT IN CERTAIN CASES

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9. LIABILITY WITHOUT FAULT IN CERTAIN CASES

9.1 Liability to pay compensation in certain cases on the principle of no fault. (MVA S 140)— (1) The owner / owners of the vehicle are jointly and severally, liable to pay compensation in respect of death or disablement, where such death or permanent disablement is resulted from an accident arising out of the use of a vehicle or vehicles.

(2) The amount of compensation in respect of the -

(i) death of any person is a fixed sum of fifty thousand rupees.

(ii) permanent disablement of any person is a fixed sum of twenty-five thousand rupees.

(3) In any claim for compensation, the claimant is not required to plead and establish that the death or permanent disablement in respect of which the claim has been made, is due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation should not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made.

(5) The quantum of compensation recoverable in respect of such death or permanent disablement should not be reduced on the basis of the share of victim, in the responsibility for such death or permanent disablement.

(6) The owner of the vehicle is liable to give compensation for relief.

(7) The owner is also liable to pay compensation under any other law for the time being in force.

(8) The amount of compensation to be given under any other law is required to be reduced from the amount of compensation payable under MVA S 140 or under MVA S 163-A.

9.2. Provisions as to other right to claim compensation for death or permanent disablement. (MVA S 141)—

(1) The right to claim compensation, under MVA S 140 in respect of death or permanent disablement of any person is in addition to any other right, except the right to claim under the scheme referred to in MVA S 163-A, to claim compensation under any other provision of M V Act or of any other law.

(2) A claim for compensation under MVA S 140 in respect of death or permanent disablement of any person is required to be disposed of as expeditiously as possible.

(3) Where compensation is claimed in respect of death or permanent disablement under MVA S 140 and also in pursuance of any right on the principle of fault, the claim for compensation under this section is required to be disposed of expeditiously.

(4) Where in respect of the death or permanent disablement of any person, the person liable to pay compensation under MVA S 140 is also liable to pay compensation in accordance with the right on the principle of fault, and pay the first-mentioned compensation and if the amount of the first-mentioned compensation is —

(a) less than the amount of the second-mentioned compensation, he is liable to pay only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation.

(b) equal to or more than the amount of the second-mentioned compensation, he is not liable to pay the second-mentioned compensation.

9.3 Permanent disablement. (MVA S 142)— Permanent disablement of a person deemed to be have resulted from an accident and is of following nature:—

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any member or joint; or

(c) permanent disfiguration of the head or face.

9.4 Applicability of Chapter to certain claims under Act 8 of 1923. (MVA S 143)— The provisions of the Chapter “Liability without Fault in Certain Cases” are also applicable to any claim for compensation in respect of death or permanent disablement of any person under the Workmen’s Compensation Act, 1923 resulting from an accident.