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11. CLAIMS TRIBUNALS

11.1 Claims Tribunals (MVA S 167)— (1) A State Government is empowered to constitute one or more Motor Accidents Claims Tribunals for such area, for the purpose of adjudicating upon claims for compensation in respect of road accidents by notification in the Official Gazette,

(2) A Claims Tribunal should consist of such number of members as the State Government think fit to appoint and where it consists of two or more members, one of them should be appointed as the Chairman.

(3) A person is not qualified for appointment as a member of a Claims Tribunal unless he is —

(a) or has been, a Judge of a High Court,

(b) or has been, a District Judge,

(c) qualified for appointment as a High Court Judge or as a District Judge.

(4) Where two or more Claims Tribunals are constituted for any area, the State Government, by general or special order, regulate the distribution of business among them.

11.2 Bar on jurisdiction of Civil Courts. (MVA S 175)— (1) A Civil Court does not have jurisdiction to entertain any question relating to any claim for compensation which be adjudicated upon by the Claims Tribunal constituted for that area.

(2) A Civil Court should not grant injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation.

11.3 Power vested in Civil Court which be exercised by Claims Tribunal (MMV R 275)— (1) Every Claims Tribunal, is empowered to exercise all or any of the powers vested in a Civil Court under Sections 30, 32, 34, 35, 35(a), 75(a) and (c), 76, 77, 89, 94, 95, 132, 133, 134, 145, 147, 148, 149, 151, 152 and 153 of the Code of Civil Procedure, 1908, in so far as they be applicable namely :—

(2) In addition to the provisions of Section 174,—

(i) Any Claims Tribunal constituted for Greater Mumbai where the amount of compensation awarded by it does not exceed twenty-five thousand rupees, have all the powers of the City Civil Court,

(ii) where such amount exceeds the above sum, have all the powers of the High Court, for the purpose of execution of the award, as if the award is a decree for the payment of money made in Suit by City Civil Court or High Court, as the case be,

(iii) any Claims Tribunal constituted for in or outside Greater Mumbai, have all the powers of the Court of Civil Judge (Senior Division) for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such Court.

11.4 Production of certificate of insurance at the time of paying tax on motor vehicle (MMV R 252)— (1) The owner of a motor vehicle when applying for -

(i) transfer of ownership of the vehicle

- (ii) payment of tax on vehicle
- (iii) tax exemption,

should forward a certificate of insurance, with the application.

(2) The Regional Transport officer concerned should make full and, detailed entries in respect of each and every vehicle consist of the -

- (i) name of Insurance Company.
- (ii) number of Divisional/Branch Officer issuing the Policy;
- (iii) number of Insurance Policy; and
- (iv) period of validity.

(3) The entries regarding the Insurance particulars should be preserved for a minimum period of five years :

11.5. Information to be furnished to Insurance Company by Claimants

(MMV R 253)— (a) The Regional Transport Officer should comply with the requisition from the concerned Divisional Manager, in respect of any motor vehicle involved in an accident.

(b) On receipt of a requisition in Form "Comp AAA" from a Divisional Manager of an Insurance Company, the Regional Transport Officer, to whom it is addressed, should return the same form, duly filled in, in duplicate; within 2 weeks from its receipt.

(c) The Office of the Tribunal should made available to any applicant, on payment of the scheduled charges, a certified copy of the Form 'Comp AA' required by him, and such information be used as genuine and authentic, by any claimant, for the grant of compensation, on any account.

11.6 Expert (MMV R 269)— The Claims Tribunal for the purpose of adjudicating upon any claim for compensation, choose not more than two

persons having technical or special knowledge with respect of any matter before the Claims Tribunal for the purpose of assisting it in the holding of the enquiry.