

Relevant Provisions of The Motor Vehicle Act,1988 in MACT Cases

Application	Cases of No Fault	Section 164
	Cases of Fault	Section 166
Valid Insurance	Vehicle cannot be used at Public Place without valid Insurance	Section 146(1)
For dangerous/hazardous goods	Vehicle carrying dangerous/hazardous goods requires Insurance under the Public Liability Insurance Act, 1991	Proviso to Section 146(1)
Knowledge to Driver	Driver in Service is not liable without knowledge for no Insurance	Explanation to Section 146(1)
Gratuitous Passenger of a Goods Vehicle	Gratuitous Passenger of a Goods Vehicle not covered	Section 147(1)(b)(ii)
Insurance company to designate an officer	Insurance company to designate an officer to settle the claims upon receiving information of the accident. Offer to be made within 30 days. If Consent Award payment to be made within 30 days.	Section 149
Defences available to Insurance company	Defences available to Insurance company:- <ul style="list-style-type: none"> • Breach of a specified condition of the policy, namely:-- • Driving by a person without valid Licence • No liability in case of war/civil war/riot/civil commotion • Policy obtained through concealment and misrepresentation • Premium not paid 	Section 150(2)(a)(i)
Owner to disclose the particulars	Owner to disclose the particulars of Insurance company	Section 150(6)
AIR	Police to prepare an Accident Information Report for MACT	Section 159
Registering Authority to disclose the particulars	Duty of Registering Authority to furnish particulars of vehicle involved in accident	Section 160
Hit and Run case	Compensation in case of hit and run motor accident, as per Compensation to Victims of Hit & Run Motor Accidents, Scheme 2022	Section 161
No fault payment	Payment of compensation in case of no fault <ul style="list-style-type: none"> • Death – Rupees 5,00,000/- • Greivous Hurt – Rupees 2,50,000/- 	Section 164
Nature of Claims	Motor Accidents Claims Tribunals for <ul style="list-style-type: none"> • adjudicating upon claims • for compensation • in respect of accidents • arising out of the use of motor vehicles • involving the death • involving the bodily injury • involving the damages to any property of a third party 	Section 165
Who can file an Application	Who can file an Application for compensation <ul style="list-style-type: none"> • Injured 	

	<ul style="list-style-type: none"> • LRs of deceased • Authorized Agent • Owner of property damaged 	Section 166(1)
Necessary parties	All the LRs are to be impleaded Non Applicants as Respondents	1 st Proviso to Section 166(1)
Compensation u/s 164 bars it u/s 166	If compensation is accepted u/s 164, it cannot be claimed u/s 166	2 nd Proviso to Section 166(1)
Place of Application	Place of filing Application:- <ul style="list-style-type: none"> • Where accident has taken place • Where Claimant resides or carries on business • Where Respondent resides 	Section 166(2)
Limitation	Limitation for filing Application – 6 months from the date of the accident	Section 166(3)
Report u/s 159	Report u/s 159 to be treated as Claims Application	Section 166(4)
Procedure	Procedure :- <ul style="list-style-type: none"> • Give Notice • Hear the parties • Hold an Inquiry • Determine a just compensation • Specify who shall make payment 	Section 168(1)
Copies of Award	Copies of Award to be delivered in 15 days	Section 168(2)
Awarded amount payment	Awarded amount to be paid within 30 days	Section 168(3)
Summary Procedure	Procedure to be followed is Summary as MACT thinks fit	Section 169(1)
Powers of a Civil Court	Powers will of a Civil Court for the purpose of taking evidence/enforcing attendance/compelling discovery & production of documents/material objects Shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973	Section 169(2)
Assistance of expert	Can take assistance of expert with special knowledge of any matter relevant to the Inquiry	Section 169(3)
Enforcement of Award	Enforcement of Award, as a Money Decree under the Code of Civil Procedure, 1908	Section 169(4)
In case of collusion	In case of collusion Insurance Company to be permitted to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made	Section 170
Simple interest	Simple interest to be awarded from date of Application	Section 171
Recovery as arrears of land revenue	Recovery of awarded amount as an arrear of land revenue	Section 174