Accident Death Claim Affidavit Format

 BEFORE THE \_\_\_\_\_ CLAIMS TRIBUNAL, \_\_\_\_

1. Ram.............................

1. wife of ………………………..
2. son of ………………………

2-……………………………….

 s/o………………………….

 D/o…………………………

 s/o…………………………………….

All residents of \_\_\_\_\_

 District \_\_\_

 at present R/o \_\_\_\_\_

.

…………………………………………………………..PETITIONERS

VERSUS

1-………………………………….

 s/o ……………………….

 Resi……………………………\_

(Driver of the offending vehicle \_\_\_\_ No. \_\_\_\_)

2- \_\_\_\_

son of \_\_\_\_

 resident of \_\_\_\_

(Owner of the offending vehicle \_\_\_\_ No. \_\_\_\_)

\_\_\_\_\_ vide its Insurance Policy No. …………..valid upto ………….. issued from \_\_\_\_ branch office service may be effected through its Branch Manager at \_\_\_\_.

(Insurer of the offending vehicle ………………. No. ……………….)

………………………………………………………..RESPONDENTS

CLAIM PETITION UNDER SECTION \_\_\_ OF THE MOTOR VEHICLE ACT FOR GRANT OF COMPENSATION OF \_\_\_\_/- UNDER NO FAULT LIABLITY UNDER SECTION \_\_\_ OF \_\_\_\_

Sir

The petitioners most respectfully submit as under:-

We, the above-named petitioners being the legal heirs/representatives of deceased \_\_\_\_, do hereby apply for the grant of compensation, who died in the roadside vehicular accident caused by the respondent No.1 by driving the vehicle \_\_\_\_ rashly, negligently, carelessly, without observing the traffic rules, without observing the safety of the others at \_\_\_\_ within the jurisdiction of \_\_\_\_ on \_\_\_\_ at about \_\_\_\_.

The necessary particulars in respect of the vehicle, deceased etc. are given herein below:-

1- Name & father’s name of the person deceased – \_\_\_\_..........................................son of \_\_\_\_.....................

2- Full address of the person deceased – \_\_\_\_Resi……………………

3- Age of the person deceased –

1. Occupation of the person died – \_\_\_\_
2. Name and address of employer – \_\_\_\_
3. Monthly income of the person – \_\_\_\_
4. Does the person in respect of whom the compensation is claimed pay income tax, if so, state the amount of tax paid ? –

\_\_\_\_

1. Place, date and time of accident – The accident took place on \_\_\_\_ at about \_\_\_\_ at \_\_\_\_ within the jurisdiction of \_\_\_\_
2. Name & address of the police Station in whose jurisdiction The accident took place and the case Was registered – Police Station\_\_\_\_ where the FIR No\_\_\_\_ dated \_\_\_\_U/s. \_\_\_\_ IPC was got registered against the respondent No.1
3. Was the person in respect of whom the compensation is claimed was traveling in the motor vehicle involved in the accident – \_\_\_\_
4. Nature of injuries sustained – \_\_\_\_

12- Name & address of the Medical Officer, if any, who attended the deceased – \_\_\_\_

13-Period of treatment and expenditure – if any ? – \_\_\_\_

14- Registration No. & type of the vehicle involved in the accident. – \_\_\_\_

15- Name & address of owner of the offending vehicle – \_\_\_\_

16-Name & address of driver of offending vehicle. – \_\_\_\_

17-Name & address of the insurer of the offending vehicle. – \_\_\_\_

18- Has any claim been lodged with the owner /insurer of the offending vehicle –

 \_\_\_\_

19- Name & address of the applicants – \_\_\_\_

20- Relationship with the deceased – \_\_\_\_

21-Titlte to the property of the deceased – \_\_\_\_

22-Amount of compensation claimed – \_\_\_\_

23- Whether the claim petition is within time. – \_\_\_\_

24-Any other information that may be helpful in disposal of the claim petition –

 \_\_\_\_.............

25-Brief Description of the Accident:-  That on \_\_\_\_ at about \_\_\_\_ the deceased was going to \_\_\_\_ on his \_\_\_\_ and when he reached near \_\_\_\_ in a very slow and moderate speed on the left side of the road meanwhile the respondent No.1 driving the \_\_\_\_ rashly, negligently, carelessly without blowing any horn and in a high speed hit the \_\_\_\_ of the deceased from \_\_\_\_side while coming towards \_\_\_\_ side. Due to the hit the deceased fell down on the road sustained multiple grievous injuries on his \_\_\_\_ and body. The accident has been caused by the negligent and rash and careless driving by the respondent No.1.

PRAYER:-

It is therefore, prayed that the petition of the petitioners may kindly be accepted and an award of \_\_\_\_ /- (\_\_\_\_ only) under section \_\_\_\_ of the \_\_\_\_ along with interest @ \_\_\_% p.a. from the date of accident till the date of realization of the amount in full may kindly be passed in favour of the petitioners and against the respondents jointly and severally with costs of the petition.

It is further prayer that an award of \_\_\_\_ /- under section\_\_\_\_ of the \_\_\_\_ Act, under No Fault liability may also kindly be passed in favour of the petitioners and against the respondents jointly or severally.

                                                                                                                                                                                      PETITIONERS

Through counsel \_\_\_\_

Advocate, \_\_\_\_

VERIFICATION

Verified that the contents of our above petition from Para No.1 to 25 are true and correct to the best of our knowledge and belief. The last Para is the prayer before this Hon’ble Tribunal
Verified at \_\_\_\_ on \_\_\_\_\_\_\_\_\_\_

                                                                                                                                                                                       PETITIONERS

**Application format to release stolen vehicle from Police Custody, with Affidavit.**

**Application to Court to release stolen vehicle recovered by the Police from the Custody of Police or any other authority.**

The Police, after recovering the stolen vehicle, will submit property form to the nearest court. The property form includes details like as FIR number, description of the property, crime, officer in-charge of the case etc. While submitting property form to the court, the police or the complainant can seek custody of the stolen item till the closure of the case. If police take custody of a stolen vehicle, it is their responsibility to ensure that vehicle is intact till the time of case closure. Temporary handing over of the vehicle is done through the court's interim order. The complainant/ owner has to submit an indemnity bond by paying a fee of Rs \_\_ to the court. In the bond, he/ she has to assure of producing the item during case hearing whenever the court asks for it. The court at the end of the trial, decides who the real owner of the stolen item is.

Sample format of Application for Release of Vehicle is given below:

**IN THE COURT OF THE CHIEF METROPOLITAN MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Affix Court Fee stamp of Rs. \_\_\_)

**IN THE MATTER OF:**

**STATE                                                    COMPLAINANT**

**VS**

A\_\_                                                         **ACCUSED**

FIR No\_\_\_\_\_\_\_\_\_\_ Dated \_\_\_\_\_\_\_\_\_

Under Section \_\_\_\_\_\_\_\_

Police Station \_\_\_\_\_\_\_\_\_

**APPLICATION FOR RELEASE OF CAR NO\_\_\_\_\_**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicant is the registered owner of Car Registration No\_\_\_\_\_\_\_\_\_\_, Engine No\_\_\_\_\_\_\_ Chassis No\_\_\_\_\_\_\_\_\_\_\_.

2. That on \_\_\_\_\_\_\_ at about 7.30 PM the Applicant parked his car outside his house and it was in tact till 11.30 PM, when the Applicant had gone to bed. In the morning ar around 6.30 AM the Car was found missing from there. Despite search in different places, the Car was not traceable.

3. That the Applicant immediately reported to matter to the Police by dialing 100. Two Policemen reached the residence of the Applicant and collected information. After that the Applicant went to the Police Station at \_\_\_\_\_\_\_\_\_\_ whereupon case FIR No. \_\_\_\_ dated \_\_\_\_\_ was registered.

4. That toady \_\_\_\_ Sub-Inspector of Police Station \_\_\_\_\_\_\_\_\_informed the Applicant about recovery of his vehicle from a thief. Thereupon, the Applicant went to the Police station and identified his Car lying in the Police Station.

5. That the Police told the Applicant that his car is no longer required for further investigation. The Applicant is in need of his car. In case it is allowed to remain at the Police station, it may get damaged being out of use.

6. The Applicant humbly pray that his car No\_\_\_\_ may please be released to him on Superdari. The Applicant Assure its production before the court as and when required by the Police or the Court.

7. The Applicant is ready and willing to give undertaking or furnish requisite bond.

**P R A Y E R**

That the Applicant, therefore, prays:

a) that the court may pass order to release his Car No\_\_\_\_\_ on Superdari to the Applicant.

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

**APPLICANT**

**THROUGH**

Place :

Date :

**IN THE COURT OF THE CHIEF METROPOLITAN MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

**IN THE MATTER OF:**

**STATE                                                    COMPLAINANT**

**VS**

A\_\_                                                         **ACCUSED**

**AFFIDAVIT**

I, Mr. / Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_ years, Occupation \_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_ the Applicant do solemnly affirm and say as follows:

1. That I am owner of Car No \_\_\_\_\_\_

2. That my above vehicle was stolen on \_\_\_\_\_\_\_ and an FIR No\_\_\_\_\_ dated was lodged at \_\_\_\_\_\_\_\_\_\_ Police Station.

3. That my above car has been covered by Police from the thief and presently is under custody of Police.

4. That the Police told the Applicant that his car is no longer required for further investigation.

5. That my above vehicle may be ordered to be released to me against proper bond or undertaking as required so that I can use the vehicle for my daily needs.

Signed at \_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_20\_\_

**DEPONENT**

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

**DEPONENT**

|  |
| --- |
| Application under Section 151 of CPC for release of amount IN THE HON'BLE HIGH COURT OF …………………….FAO No: \_\_\_\_\_\_ of 20…….. MEMO OF PARTIES…………………………………………………………..….Appellant/\_\_\_\_\_\_ Versus ………………………………………………………………Respondent\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ First Appeal Against Order under Section 173 of the Motor Vehicle Act against the award dated \_\_\_\_\_\_\_\_\_\_\_ as passed by the Hon'ble Motor Accident Claims Tribunal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in MACC No. : \_\_\_\_\_\_\_\_\_\_\_\_\_ titled as\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_. Appellant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Through Advocate Respectfully Sheweth:-1. That briefly the fact of the case are that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ GROUNDS 2. That the court below has acted with serious illegality in the exercise of jurisdiction vested in it by law. \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_3. That the Ld. Court below has acted with material illegality and irregularity in as much as \_\_\_\_\_ . 4. That the Ld. Court below has failed to exercise the jurisdiction so vested in it by law. \_\_\_\_\_\_ 5. It is, therefore, most humbly prayed that this FAO may kindly be admitted and after calling for the record of the lower court and hearing both the parties, appeal may kindly be accepted and the award as passed by the Hon'ble MACT- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may be modified and compensation may be enhanced from Rs. \_\_\_\_\_\_\_\_\_\_\_ to Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_ as claimed in the petition in the interest of justice. ……………………... Appellant \_\_\_\_\_\_\_\_\_\_\_\_ Through, Advocate**IN THE HON'BLE HIGH COURT OF …………………….** Regular \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Appeal/Revision No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of 2008 ORIGINAL SUIT Court : \_\_\_\_\_\_ Instituted on : \_\_\_\_\_\_ Decided on : \_\_\_\_\_\_ FIRST APPEAL: Court ; Instituted on : Decided on : \_\_\_\_\_\_ Date of Filing Appeal/ : \_\_\_\_\_\_ Revision in High Court Value for purpose of : \_\_\_\_\_\_ Jurisdiction Value for purpose of : \_\_\_\_\_\_ Court Fee Amount of Court Fee :\_\_\_\_\_\_\_ \_\_\_\_\_\_ on Appeal/Revision Presented by : \_\_\_\_\_\_\_\_\_\_\_\_\_, Advocate Appellant/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Plaintiff/Defendant/Petitioner/Respondent Respondent//\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_Plaintiff/Defendant/Petitioner/Respondent Order of First Court and Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Order of Appellate Court and date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Order Confirming, reversing or modifying : \_\_\_\_\_\_\_\_\_\_ Original claim as given in plaint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Claim in Appeal (Stating whether the appeal in from a decree or order) \_\_\_\_\_\_ Enactment and Section under which the Appeal/Revision lies: \_\_\_\_\_\_\_\_\_\_\_\_\_\_  |

|  |
| --- |
|  |

**First Appeal Against Order under Section 173 of the Motor Vehicle Act**

IN THE HON'BLE HIGH COURT OF

…………………………………

FAO No: \_\_\_\_\_\_ of 20…..

MEMO OF PARTIES

………………………………………………………………..Appellant

Versus

………………………………………………………………..Respondent

First Appeal Against Order under Section 173 of the Motor Vehicle Act against the award dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as passed by the Hon'ble Motor

Accident Claims Tribunal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 in MACC No. :

 \_\_\_\_\_\_ titled as \_\_\_\_\_

………………………………………..
Appellant
………………………………………..

Through, Advocate

Respectfully Sheweth:-

1. That briefly the fact of the case are that \_\_\_\_\_\_

GROUNDS

2. That the court below has acted with serious illegality in the exercise of jurisdiction vested in it by law. \_\_\_\_\_\_\_

3. That the Ld. Court below has acted with material illegality and irregularity in as much as \_\_\_\_\_ .

4. That the Ld. Court below has failed to exercise the jurisdiction so vested in it by law. \_\_\_\_\_\_

5. It is, therefore, most humbly prayed that this FAO may kindly be admitted and after calling for the record of the lower court and hearing both the parties, appeal may kindly be accepted and the award as passed by the Hon'ble MACT- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may be modified and compensation may be enhanced from Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_ to Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as claimed in the petition in the interest of justice.

…………………………………

Appellant

\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF …………………**

Regular \_\_\_\_\_\_ Appeal/Revision No.:\_\_\_\_\_\_ of 20…..

ORIGINAL SUIT:

Court : \_\_\_\_\_\_

Instituted on : \_\_\_\_\_\_

Decided on : \_\_\_\_\_\_

FIRST APPEAL:

Court : \_\_\_\_\_\_

Instituted on : \_\_\_\_\_\_

Decided on : \_\_\_\_\_\_

Date of Filing Appeal/ : \_\_\_\_\_\_

Revision in High Court

Value for purpose of : \_\_\_\_\_\_

Jurisdiction

Value for purpose of : \_\_\_\_\_\_

Court Fee

Amount of Court Fee : \_\_\_\_\_\_

on Appeal/Revision

Presented by : \_\_\_\_\_\_, Advocate

Appellant/\_\_Plaintiff/Defendant/Petitioner/Respondent

Respondent//\_\_Plaintiff/Defendant/Petitioner/Respondent

Order of First Court and Date: \_\_\_\_\_\_

Order of Appellate Court and date: \_\_\_\_\_\_

Order Confirming, reversing or modifying : \_\_\_\_\_\_

Original claim as given in plaint: \_\_\_\_\_\_

Claim in Appeal (Stating whether the appeal in from a decree or order) \_\_\_\_\_\_

Enactment and Section under which the Appeal/Revision lies: \_\_\_\_\_\_

**IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_ AT \_\_\_\_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

**IN THE MATTER OF:**

Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                                            **PETITIONER**
R/O\_\_\_\_\_\_\_\_\_\_\_\_\_ OCCUPATION \_\_\_\_\_\_\_\_\_

**VERSUS**

M/s. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ & ORS                                                 **RESPONDENTS**

**AFFIDAVIT OF THE PETITIONER ABOVE NAMED**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , Son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  working as Legal Manager, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and sincerely state as follows:

1. I am the Legal Manager of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  As per the Resolution passed by the Board of Directors of the Company on \_\_\_\_\_\_\_\_\_\_\_\_\_ I am duly authorised to deal with the case, to sign Petitions and vakalatnama and to give affidavits on behalf of the Company.

2. The above case is filed questioning the Order and Decree passed in Original Petition No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  dated \_\_\_\_\_ by the Hon'ble Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  as illegal, arbitrary and contrary to law and the same is liable to be set aside for the grounds set out in the Memorandum of Civil Misc. Appeal. It is submitted that the respondents herein as claimants filed O.P.No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
claiming compensation of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the allegation that one \_\_\_\_\_\_\_\_\_\_ died in the accident on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  due  to rash and negligent driving on the part of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Driver. The Petitioner resisted the same by filling counter contending inter-alia that the accident took place due to rash and negligent driving of the deceased's driver of the Truck and  as such denied the liability to pay any compensation.

3. It is submitted that the Tribunal below without proper appreciation of oral and documentary evidence available on record awarded exorbitant amount of Rs \_\_\_\_\_\_\_\_\_ against the claim of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  which is unsustainable and contrary to law and such the same is liable to be set aside. Taking advantage of the erroneous decree passed by the Tribunal below the claimants are proceeding with Execution to realise the compensation and if the entire amount is deposited it is difficult for the Petitioner to realise the same in the event of Petitioner's success before this Hon'ble Court.

4. I further respectfully submit that the Petitioner has got fair chances of success before this Hon'ble Court and the grounds set out in the Memorandum of Appeal may be read as part and parcel of this Affidavit. Hence the decree and order is liable to be stayed.

5. It is also absolutely necessary in the interests of justice that this Hon'ble Court may be pleased to grant stay of all further proceeding including execution in Original Petition No \_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_ in the Court of Hon'ble \_\_\_\_\_\_\_\_\_\_\_Judge  at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , pending disposal of the C.M.A.

**DEPONENT**

Before Me Solemnly affirmed at \_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_\_\_\_  day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  20\_\_\_\_

**ADVOCATE**

**MOTOR VEHICLE APPEARANCE MEMO**

 THE COURT OF DISTRICT ……………………………………………..

In MAC No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In the Matter of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ……………………………………………………………………………..……………Petitioner

Versus

…………………………………..………………………………………………………..Respondents

Respectfully sheweth:

I have instructions to appear in the case cited above on behalf of the respondents on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

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

**MOTOR VEHICLE AFFIDAVIT**

**AFFIDAVIT**

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

1. That I am owner of vehicle No.

2. That my above vehicle has met with an accident at on at about P.M.

3. That my above vehicle has been covered by Police and presently is under custody of Police.

4. That my above vehicle may be ordered to be released to me along with documents and license against proper security as required so that I can take it for necessary repairs immediately.

5. That I solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Affirmed at………………………………….…………… this the \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deponent

**BEFORE THE HON'BLE THE CHIEF JUDICIAL MAGISTRATE …………………………………**

………………………………………………………………………………….Applicant

Versus

…………….……………………………………………………………………Respondent

 Application for release of vehicle

Respectfully Sheweth :

1. That my vehicle bearing No. has met with an accident at on at about P.M.

2. That my above vehicle has been covered by the Police and presently is under custody of the Police , Police Station . An F.I.R. No. , under Section 279, 337 of the Indian Penal Code has also been lodged by the Police Station. Necessary investigations have been completed by the police.

3. That I need the above vehicle to carry out its repairs.

4. That my above vehicle may be released to me along with documents and license against proper security and conditions as deemed fit and proper by this Hon'ble court so that I can carry out necessary repairs.

5. It is, therefore, the most humbly prayed that your honour be pleased to order the release of my above vehicle along with documents and license against the security and conditions as deemed fit and proper by your honour. Such other orders may also be passed in favour of the petitioner as deemed fit and proper by this Hon'ble Court in the facts and circumstances of the case.

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

………………………………………… Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Through, Advocate

**BEFORE THE HON'BLE THE CHIEF JUDICIAL MAGISTRATE**

 ……………………………

…………………………………………………………………..Applicant

Versus

………………………………………………………………Respondent

Affidavit in support of application for release of vehicle.

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 ……………………this the

Deponent

**IN THE COURT OF HON'BLE JUDICIAL**

**MAGISTRATE 1ST CLASS AT**

 …………………….

In F.I.R. No. \_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_

Under Section 279 & 337 of the Indian Penal Code

Police Station : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIDAVIT

Whereas I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , am lawful owner of vehicle bearing No. \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

AND WHEREAS I being a legal owner of aforesaid vehicle, am competent to move an application for release of the vehicle bearing No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which has met with an accident \_\_\_\_\_\_\_, within the jurisdiction of Police Station \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and this Hon'ble court and the vehicle has been impounded by Police Station \_\_\_\_\_\_\_\_\_\_\_\_, police Chowki \_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_ in F.I.R. No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, case lodged under Section 279 & 337 of the Indian Penal Code.

AND WHEREAS Hon'ble court has been pleased to release the said vehicle along with documents and license in favour of the applicant after furnishing Vakalat Nama to the satisfaction of this Hon'ble court to the tune of Rs. \_\_\_\_\_\_\_\_\_\_.

AND WHEREAS now therefore I the above named executants do hereby furnish requisite Vakalat Nama to the satisfaction of Hon'ble court to take delivery of aforesaid vehicle along with documents and license and further undertakes to produce the same as and when directed to do so, failing which I hereby undertake to forfeit the said referred sum to the government of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

IN WITNESSES WHEREOF the executants has executed the Vakalat Nama here at ………………………………. on this the

EXECUTANT

WITNESSES :-

1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MOTOR VEHICLE COMPENSATION**

**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL**

 **AT ……………………**

MAC No:\_\_\_\_\_\_\_\_\_\_\_\_\_ of 20………….…..

…………………………………………………………………………………..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: \_\_\_\_\_\_\_ Years.

4. Occupation of the injured: \_\_\_\_\_\_\_ 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: - Injury \_\_\_\_\_\_\_ - Love & Affection \_\_\_\_\_\_\_ - Medical Expenses \_\_\_\_\_\_\_ Images \_\_\_\_\_\_\_ - Pain & mental Agonies \_\_\_\_\_\_\_ - Loss of Marital Bliss \_\_\_\_\_\_\_ Total \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 : The accident took place due to rash and negligent driving of the driver of the vehicle. \_\_ It is, therefore, respectfully prayed that the petition may kindly be allowed and the petitioner may kindly be awarded compensation amounting to Rs. \_\_\_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_ and interest thereon @18% per annum till payment against all the respondents jointly and severally.

…………………………………..

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 ……………….. this the -- day of .\_\_\_\_\_\_\_ Petitioner

**IN THE COURT OF MOTOR**

**ACCIDENTS CLAIMS TRIBUNAL**

**AT …………………………**

………………………………………………………………Petitioner

Versus

……………………………………………………….……Respondents

Application 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. ……………………..- 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. …………………………- 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 kindly be allowed and the respondents be directed to deposit and pay a sum of Rs. ………………..… 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.

……………………….

Petitioner

\_\_\_\_\_\_

Through, Advocate

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

**AT …………………………**

MAC No.: \_\_\_\_\_\_ of 20……..

…………………………………………………………………..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 …………………………….. this the \_\_\_\_\_\_.

Deponent

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…………………..**

…………………………………………………………………………….

Versus

……………………………………………………………………………..

Claim : Accident Claim\_\_\_\_\_\_

Petitioner For the service of respondents:-

Advocate

Received on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court-fee stamp of the value of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ with

\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_ copies in

case No. \_\_ of 20………

………………………………………………………………………….

 Vs

………………………………………………………………………

Signature of the Head Notice Writer

Under Order 7 Rule 13 (1) CPC

List of documents filed by Plaintiff

In the Court of : Motor Accidents Claims Tribunal at Coimbatore

…………………………………………………………………………….

 Versus

………………………………………………………………………………..

Date Of Hearing: \_\_\_\_\_\_

 Suit for : Claim

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

S.No Details, Date What is If documents If Rejected Documents Intended Filed what is then the to be the Exh marked date of Proved from on it return of Documents

To prove petitioner's case

1. FIR

2. Postmortem Report \_\_\_\_\_\_

3. School Leaving Certificate \_\_\_\_\_\_

4. Income Certificate \_\_\_\_\_\_

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

Counsel for Plaintiff/Defendant

List of Document Relied Upon

Under Order 7 Rule 14 CPC Filed by : \_\_\_\_\_\_

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

at………………………………

…………………………………………………………………..

 Versus

……………………………………………………………..

Suit : Claim Petition Date of hearing:

----------------------------------------------------------------

1. Have you produced any Yes Sir, as per list. documents with the plaint so, what are those document.

2. Do you wish to produce any more Yes sir, if required. documents which are in your possession and custody if so, what are those documents.

3. Do wish to relay upon any Yes sir, later on from other documents, if so in various authorities.

whose possession they are and what are those documents. -----------------------------------------------------------

Counsel for Dated : \_\_\_\_\_\_

**MOTOR VEHICLE REJOINDER**

**IN THE HON'BLE COURT OF**

 **MOTOR ACCIDENTS CLAIMS TRIBUNAL**

 **AT ………………………….**

MAC No.:\_\_\_\_\_\_\_ of 20………

………………………………………………………………….Petitioner

Versus

……….…………………………………………………………Respondents

Rejoinder on behalf of the petitioner to the reply filed by the respondent No. \_\_\_\_\_\_\_ to the Claim Petition under Section 166 of M. V. Act.

RespectfullySheweth :-

1. That \_\_\_\_\_\_\_

2. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

3. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

4. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

5. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

6. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

7. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

8. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

9. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

10. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

11. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

12. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

13. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

14. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

15. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

16. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

17. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

18. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

19. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

20. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

21. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

22. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

23. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

24. That the contents of reply to this para of the petition are wrong and denied and the contents of corresponding paras of the petition are reasserted and reiterated.

…………………………. Petitioner

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

**Verification:**

I, the above named deponent do hereby verify that the contents of paras 1 to 24 of the above rejoinder are correct and true to the best of my knowledge and belief and no part of it is false.

Verified at ………………………………….. this the \_\_\_\_\_\_\_.

Petitioner

**MOTOR VEHICLE RESTORATION**

IN THE COURT OF

MOTOR ACCIDENT CLAIMS TRIBUNAL

AT ………………………….

App. No.: \_\_\_\_\_\_ of 20……

in MAC Petition No.: \_\_\_\_\_\_\_

………………………………………………Petitioner/Applicant

 Versus

……………………………………………….Respondent/Non-Applicants

Application under Order 9 Rule 4 & 9 read with Section 151 of CPC for restoration of Petition dismissed in default

Respectfully Sheweth:

1. That the above noted petition was filed in this Hon'ble Tribunal by the petitioner on \_\_\_\_\_ and the said petition was fixed for \_\_\_\_\_.

2. That when the above noted petition came up for hearing on \_\_\_\_\_, this Hon'ble Tribunal was pleased to dismiss the same in default.

3. That the absence of the petitioner on the date of hearing was neither intentional nor willful, but for the good and sufficient reasons hereinabove stated. Interest of justice therefore, demands that the petition is restored to its original position so that the substantial dispute involved in the petition can be adjudicated upon on its merit by this Hon'ble court.

4. It is, therefore, most respectfully prayed that this application may kindly be allowed and the above petition may kindly be restored to its original position in the interest of justice. Such other orders may kindly also be passed as deemed fit and proper in the facts and circumstances of case.

………………………………
Petitioner/Applicant
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Through, Advocate

**IN THE COURT OF**

**MOTOR ACCIDENT CLAIMS TRIBUNAL**

**…………………………. ……………………………**

App No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of 20……..…….

MAC Petition No: \_\_\_\_\_\_

………………………………………………..………………Petitioner/Applicant

 Versus

………………………………………………………………..Respondents

Affidavit in support of Application for restoration.

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

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

2. That the contents of paras 1 to \_\_\_\_\_\_\_ of the complaint 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 to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

Affirmed at ………………………………. this the \_\_\_\_\_\_.

Deponent

**Petition format to release accident vehicle from seized by Police, from Police Custody, with Affidavit.**

**Petition to Court to release seized vehicle from the Custody of Police.**

Generally there are three type of motor accidents. The amount of damage caused in the accident ascertains the legal procedure to be followed after the accident. The types of damage caused by the accident are:

1. Accident causing no damage

2. Accident with minor damage

3. Accident with Major injuries likely to cause or result in the death of the victim.

In case of an accident when the police seize the vehicle for the purpose of investigation or an inquiry and file a case, the owner or any other person authorized by him can file an application to get back his vehicle during the proceedings under Section 451 of CrPC. When the trial is pending in the court the owner of the vehicle can file an application annexed with documents proving ownership of the vehicle. After filing an application the applicant has to comply with all the directions issued by the court.

The trial court can pass orders for custody or disposal of the vehicle during an inquiry or trial. The interim custody of the motor vehicle is given to the person in whose name the motor vehicle is registered with the registering authority unless a superior title is established by another person.

Sample format of Application for Release of Vehicle seized by Police is given below:

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Affix Court Fee stamp of Rs. \_\_\_)

**IN THE MATTER OF:**

A\_\_\_**COMPLAINANT**

**VS**

B\_\_\_                                                         **ACCUSED**

FIR No\_\_\_\_\_\_\_\_\_\_ Dated \_\_\_\_\_\_\_\_\_

Under Section \_\_\_\_\_\_\_\_

Police Station \_\_\_\_\_\_\_\_\_

**APPLICATION FOR RELEASE OF CAR NO\_\_\_\_\_**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicant is the registered owner of Car Registration No\_\_\_\_\_\_\_\_\_\_, Engine No\_\_\_\_\_\_\_ Chassis No\_\_\_\_\_\_\_\_\_\_\_.

2. That the vehicle met with an accident at on \_\_\_\_\_\_ at about \_\_\_\_ P.M..

3. That the above vehicle has been covered by the Police and presently is under custody of the Police , Police Station. An F.I.R. No.\_\_\_\_\_ , under Section 279, 337 of the Indian Penal Code has also been lodged by the Police Station. Necessary investigations have been completed by the police.

4. That the Police told the Applicant that his car is no longer required for further investigation.

5. That the Applicant need the above vehicle to carry out its repairs.

6. That the above vehicle may be released to the Applicant along with documents and license against proper security and conditions as deemed fit and proper by this Hon'ble court so that I can carry out necessary repairs.

7. It is, therefore, the most humbly prayed that your honour be pleased to order the release of my above vehicle along with documents and license against the security and conditions as deemed fit and proper by your honour. Such other orders may also be passed in favour of the petitioner as deemed fit and proper by this Hon'ble Court in the facts and circumstances of the case.

8. The Applicant is ready and willing to give undertaking or furnish requisite bond.

**P R A Y E R**

That the Applicant, therefore, prays:

a) that the court may pass order to release his Car No\_\_\_\_\_ along with Driving License and documents to the Applicant.

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

**APPLICANT**

THROUGH

**\_\_\_\_\_\_ADVOCATE**

Place :

Date :

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_**

**CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_**

(Affix Court Fee stamp of Rs. \_\_\_)

**IN THE MATTER OF:**

A\_\_\_**COMPLAINANT**

**VS**

B\_\_\_                                                         **ACCUSED**

**AFFIDAVIT**

I, Mr. / Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_ years, Occupation \_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_ the Applicant do solemnly affirm and say as follows:

1. That I am owner of Car No \_\_\_\_\_\_ and Respondent in the above mentioned matter.

2. That the vehicle met with an accident at on \_\_\_\_\_\_ at about \_\_\_\_ P.M.

3. That the above vehicle has been covered by the Police and presently is under custody of the Police , Police Station. An F.I.R. No.\_\_\_\_\_ , under Section 279, 337 of the Indian Penal Code has also been lodged by the Police Station. Necessary investigations have been completed by the police.

4. That the Police told the Applicant that his car is no longer required for further investigation.

5. That the Applicant need the above vehicle to carry out its repairs.

6. That my above vehicle may be ordered to be released to me against proper bond or undertaking as required so that I can use the vehicle for my daily needs.

Signed at \_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_20\_\_

**DEPONENT**

**VERIFICATION**

I, \_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

**DEPONENT**