

GJVD010075962023



Order Below Exhibit - 1
in
M.A.C.P No. 436/2023

Claimants:

Legal Heirs of deceased Vishnubhai Rameshbhai Oad :

1. Jinalben D/o Gopalbhai Oad & Wd/o Vishnubhai Rameshbhai Oad
2. Minor Viyom Vishnubhai Oad
3. Rameshbhai Somabhai Oad

vs.

Opponents:

1. Indrajitbhai Keshavlal Patel
2. Nikulkumar Gordhandas Patel
3. Tata A.I.G. General Insurance Co. Ltd.

1. Parties have produced Compromise pursis at **Ex.21**. As per order passed below Compromise Pursis, the same is recorded and accepted.
2. The claimant/s and Insurance Company have entered into compromise settling the claim to the tune of **Rs.17,50,000/-**. The Compromise Pursis produced by the parties is read over to them. Thus, this Tribunal is of the opinion that the settlement arrived between the parties is legal and within the purview of subject matter of the claim petition and also in the interest of claimant/s. The compromise is, therefore, recorded in exercise of the powers conferred under Order 23 of the Civil Procedure Code. Hence, following order is passed:

ORDER

- I. The Insurance Company has to deposit the compromised amount of **Rs.17,50,000/-** as full and final compensation, within one month, in the account of State Bank of India at District Court Branch, having the A/c. No. 40746217906, IFSC Code No. SBIN0018839, Branch Code: 18839. After, depositing the awarded amount to the account of District Court, the Ins. Co. shall inform the Tribunal by way of registered E-mail.

- II. The office shall not deduct or recover the amount of Court fees from the awarded amount deposited with this Tribunal, as the matter is compromised in Lok-Adalat.
- III. Court Fee refund Certificate, as the case may be, be issued in the name of the claimants / Ld. Advocate appearing on behalf of claimants, if he has paid Court fees, if any.
- IV. As this decision arrived upon the compromise between contesting party without examining merit of each one's case, it would not operate as *resjudicata* in any other claim petition, arising from very same vehicular accident.
- V. Disbursement and apportionment order shall pass after awarded amount be deposited.
- VI. If the agreed amount is not deposited within the period as mentioned in the compromise pursis, the said amount shall carry interest @ 7% p.a. from the date of default till realisation.
- VII In view of the above, the present claim petition stands disposed of accordingly as compromised in Lok-Adalat.

Signed & Pronounced today on this 14th day of December, 2024.

Sd/-

Place: Vadodara

(Brijeshkumari Rameshwarsingh Rajput)

Date : 14.12.2024

Motor Accident Claim Tribunal (Aux.)

Vadodara (GJ-00826).

(Lok-Adalat)

V.D. Pandey*