

NATIONAL LOK-ADALAT - 22/06/2024

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL (AUX),
CITY CIVIL & SESSIONS COURT, AHMEDABAD**

MAC PETITION NO.42 OF 2024

Petitioner : Virambhai Arjanbhai Rabari + 2

Versus

Respondent : TATA AIG Insurance and others

ORDER BELOW EXH.1

1. The petitioner is present with his learned Advocate. The parties to the proceedings have submitted a pursis vide Exh.12, inter-alia settling the claim amount during the course of hearing held in Lok-Adalat. The petitioner admits contents of the said pursis and petitioner's signature being placed on the said petition voluntarily and so also petitioner's advocate, compromise pursis is hereby accepted. Compromise pursis is countersigned by responsible officer of the insurance company and its advocate, as opponent-insurance company accepts the vicarious liability. Thus, compromise is recorded and accordingly following order is passed :

ORDER

- (1) The **opponent** insurance company is hereby directed to pay a sum of **Rs.12,00,000/- (Rupees Twelve Lakh only)**, to the petitioners within 03 months from the date of order before this Tribunal, failing which **opponent** would be liable to pay interest at the rate of 6% per

annum from the date of compromise till its realization. The **opponent** is further directed to deposit the awarded amount within 03 months from today, after deduction of amount paid, if any, under 'No Fault Liability' by way of Direct Bank Transfer through NEFT or RTGS only to the below mentioned Current Bank Account of this Claims Tribunal as directed in Circular No.08/2022 dated 01/02/2022. The particulars of the Current Bank Account is as under :-

Name of Bank	:	State Bank of India Main Branch, Ahmedabad.
Account Name	:	MACT, CITY CIVIL AND SESSIONS COURT
Current Account No	:	00000040749456872
IFSC Code	:	SBIN0000301
Branch Code	:	00301

Further, after deposit of the awarded amount, the Insurance Companies, AMTS, State Transport, other opponents are instructed to ensure that deposit of the awarded amount, by way of direct bank transfer to the above said Current Bank Account in compliance of the Award passed by the Tribunal is accomplished by furnishing the following information in the format prescribed herein below along with bank payment advice to the Registry/ Nazir Branch of this Court, for maintaining the account MACP Deposits by this Court. A copy of the same be also served to the claimants or their counsel as the case may be.

1	MACP Number	
2	On the File of (Claims Tribunal Name)	
3	Date of Award	
4	Compensation Amount	
5	Income Tax Deduction at Source	
6	Bank Transaction Reference No./ Unique Transaction Reference (UTR) No.	

- (2) From the amount of compensation received, **50% amount shall be paid to the petitioners in the ratio of 40:30:30** 'by NEFT/ RTGS mode only after proper verification and identification in all respects and **rest of the 50% amount shall be invested as per their ratio in any Nationalized Bank of petitioners' choice for the period of five years with usual condition**. During such period, no loan or withdrawal shall be allowed without prior permission of this Tribunal. However, the petitioner is entitled to get periodically interest that may accrued on the deposited amount from time to time. The disbursal of compensation amount shall be made directly to the credit of the bank account of the claimant, as the case may be by NEFT or RTGS. The claimant is directed to furnish his following information in the format prescribed herein below to the Registry/ Nazir Branch of this Court, for direct credit of the compensation amount to their account.

Aadhaar Card No.	
PAN Card No.	
Bank Name & Branch	
Bank Address	

Name and address of Account holder (claimant)	
Bank Account No.	
IFSC Code	
First page of passbook with photograph of the claimant duly attested by Bank be attached	

- (3) Since the matter is settled in Lok-Adalat, petitioner is not required to pay deficit court fees, and if any court fees, if any, payable. Since the award is made in the Lok-Adalat, full amount of court fee, if paid, be refunded to the petitioner after proper verification, in view of the provisions contained in Section 21(1) of the Legal Services Authorities Act, 1987, read with section 16 inserted in Court Fees Act, 1870.
- (4) The opponent insurance company is hereby directed to scrupulously follow the directions for TDS given by Hon'ble Gujarat High Court in **2007 ACJ 1897**.
- (5) In case of Tax deduction at source, Form 16-A of the Income Tax Act be provided to the claimant/victim on whose behalf the deduction has been made so as to enable him/her seek refund of tax deducted, if any.
- (6) Registry/ opponents shall ensure compliance of Hon'ble Supreme Court's directions in **Writ Petition (Civil) No.534/2020, titled Bajaj Allianz General Insurance Co. Ltd. v/s Union of India**.

- (7) Against rest of the opponents, claim petition is disposed of.
- (8) No order as to costs.
- (9) Award be drawn accordingly.
- (10) PDF copy of this order be sent to the opponent insurance company through Email.

Signed & Pronounced in the spl. sitting of **National Lok Adalat** on this **Twenty Second day of June, 2024** in the open Court.

Date : 22/06/2024.
Place: Ahmedabad.

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(P.H.SHETH)
Judge, MAC Tribunal (Aux.)
City Civil & Sessions Court,
Ahmedabad City.
(NATIONAL LOK ADALAT)
(Unique ID Code: GJ00524)