

ORDER BELOW CLAIM PETITION IN M.A.C.P. No. 476/2018**Applicant :- LEGAL HEIRS OF DECEASED Pruthvirajsinh D.Zala**

- 1. Vandnaba Pruthvirajsinh Zala**
- 2. Minor Manishaba Pruthvirajsinh Zala**
- 3. Dilipsinh Fatesinh Zala**

1. Ld. Advocate for the Parties have produced Compromise pursis. The same is recorded and accepted.
2. The Ld. Advocate for the claimant and opponent **ICICI LOMBARD General Insurance Company Ltd.** have entered into compromise settling the claim to the tune of **Rs.19,60,000/- NINETEEN LAKH SIXTY THOUSAND ONLY** as per the compromise pursis. Thus, this Tribunal is of the opinion that the settlement arrived between the parties is legal and within the purview of the subject matter of the claim petition and also in the interest of claimant. The compromise is, therefore, recorded accordingly. Hence, the following order is passed:

ORDER

1. As per the Compromise pursis, Opponent **No.2-ICICI LOMBARD General Insurance Company Ltd.** is hereby directed to deposit the amount of **Rs.19,60,000/- NINETEEN LAKH SIXTY THOUSAND ONLY** in the office of this Tribunal towards full & final compensation as settled, after deducting the amount of

interim compensation, if any paid or deposited , within three months from the date of this order. The other opponents are hereby exonerated.

2. After deposit of amount, Total amount of Medical bill (if any) will be paid in cash by way of RTGS/ NEFT / account payee cheque after due verification.
- 3 After above deduction , Remaining amount of the compensation be distributed as 40% amount share to applicant No.1 and 40% share to claimant no.2, 20% share to claimant no.3, and 50% of shared amount of claimant no.1 and claimant No.3 be paid in cash by account payee cheque/NEFT/RTGS and remaining 50% of shared amount of each claimant no.1 & 3 shall be deposited in fixed deposit for five years in any Nationalized Bank of their choice, without any type of loan or overdraft facility. On completion of the said period, the amount shall be paid to him . The interest accrued on the said deposits shall be paid to them.
- 4 The applicant no. 2 is minor, hence, her share amount 40% shall be deposited in fixed deposit in the name of minor applicant through her natural guardian(I.e

APPLICANT NO.1) in any Nationalized Bank of the choice of the guardian for a period of five years or till the attaining the majority, whichever is later, without any type of loan or overdraft facility. On completion of the said period, the amount shall be paid to the applicant. The interest accrued on the said deposits shall be paid to the applicant's Guardian periodically.

5. The applicants are entitled to withdraw periodical interest occurred on the said fixed deposit. The applicant will not be entitled to take any loan or advance against this fixed deposit and the bank shall not borrow any loan or advance against the said fixed deposit without the permission of this Tribunal. A specific note to this effect shall be made on the receipt of said fixed deposits by the bank.
6. In view of the ratio laid down by the Hon'ble Supreme Court of India in case of *The High Court of Judicature at Madras Rep. by its Registrar General Vs. M.C. Subramaniam & ors.; Special Leave Petition (Civil) Nos. 3063-3064 Of 2021 reported in LL 2021 SC 97*, the office is directed not to recover any Court Fees and if

Court Fee is paid, same shall be refunded to the claimant as per the rules.

7. Court Fees Refund Certificate, as the case may be, shall be issued in the name of the claimant, if the claimant has paid Court fees.
8. The Parties shall bear their own costs.
9. Award be drawn up accordingly.

In view of the above, the present claim petition stands disposed off accordingly as compromised on 14th day of September 2024.

Place: RAJKOT

Date:14/09/2024

**Mohmedsalim Habibkhan Pathan
(GJ00811)
13th Additional District Judge &
M.A.C. Tribunal
RAJKOT**