

**ORIGINAL AWARD
IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL, (AUX.)
CITY CIVIL COURT, AT AHMEDABAD**

MAC PETITION NO.228 OF 2022

EXH.12

APPLICANTS

- 1) Sunil Dilipji Thakor
- 2) Dilipji Somaji Thakor - Through His Guardian & Friend
Applicant- No 1
- 3) Lakshmiben Dilipji Thakor
All Resi.thakor Vas, Naroda, Ahmedabad

VERSUS

OPPONENTS

- 1) Parsingbhai Bhalabhai Ganava
address - Bunglow Faliyu, Khutankheda, Limbadi, Ta-
Zalod, Di. Dahod.
- 2) Chetankumar Nandabhai Gelot
Add- 209, Ambali Faliyu, Karamba Road, Limbadi, Ta-
Jhalod, Di. Dahod.
- 3) Iffco Tokio General Insurance Company Limited
add- 5th Floor, Iscon Aatriya-1, Opp. GEB traning
Center, Gotri Road, Gotri, Vadodara.

Coram: H.H.Judge Shri A.V.Hirpara

National Lok Adalat.

1. Today, Saturday – **09.09.2023** Lok Adalat for MACP cases is held. The concerned parties and their learned Advocates are present before the Tribunal. Heard.
2. The compromise pursis Exh. :**11** is read over to parties, they agreed to the

terms and conditions of the compromise. The claimants have prayed to restrict the claim amount upto **Rs.10,50,000/-**. Hence, compromise pursis is deem as legal, just and bonafide. It deserves to be recorded, considering the Motor Vehicle Act with the object of the legislature as the present law is based on the social welfare scheme and to compensate to the victim person. The Tribunal has also considered the preamble of Lok Adalat.

3. The claim petition has been put before Hon'ble Judge Shri A.V.Hirpara for Final hearing and order at National Lok Adalat held on 09.09.2023, in presence of Learned advocate of both side. The Following Final order is passed.

ORDER

1. The compromise pursis **Exh.:11** is recorded.
2. The claim petition is allowed.
3. The respondent **IFFCO-TOKIO GENERAL INSURANCE LTD.** is hereby directed to deposit **Rs.10,50,000/-(Rupees Ten Lakhs Fifty thousand)**, after deducting the amount of interim compensation, if any, paid u/s.140 of M.V. Act, as full and final payment, as per the compromise pursis **Exh.:11** accordingly, before the Tribunal.
4. The claimants are permitted to restrict the claim up to **Rs.10,50,000/-** rest is waived.
5. After above deposit, in the ratio of **20% : 40% : 40%** amount be given to the claimant Nos.1 to 3 respectively. The claimant Nos.1 to 3 are younger brother and parents of the deceased respectively.

So far as amount payable to the share of claimant Nos.1, 2, 3 are concerned, an amount equivalent of 60% be deposited in any nationalized bank situated near the residence of the claimants for a period of 5 years. The claimants will not be entitled to withdraw any loan, advance from this fixed deposit without prior permission of this Tribunal. However, the claimants are entitled for periodical interest thereon. **The**

remaining 40% amount to be paid to the respective **claimants** by account payee cheque after legal and physical verification.

6. The court fees refund to be issued in the name of claimant accordingly, if any.
7. Investments, as above, shall be encumbered with following terms and conditions :-

1. The said amount shall be invested with any of the nationalized Bank of the choice of the petitioner in Fixed Deposit Receipt Account.
2. The interest on the above Fixed Deposit Receipt Account as and when it becomes payable monthly, quarterly, half-yearly or annually, as agreed to, shall be paid to the petitioner.
3. No facility by way of loan, over-draft or cash credit shall be available on the above investment and the Bank shall not allow any such transaction, encumbering the investment or on the basis of the security of the same.
4. The Bank shall not permit the petitioner to withdraw the said amount prior to its maturity or without prior permission of this Tribunal.
5. The Bank shall intimate to this Tribunal the particulars of the investment viz., number of Fixed Deposit Receipt, name of holder and the date of maturity immediately after issuance of Fixed Deposit Receipt in this case.
6. At the end of the period aforesaid, the Bank shall pay the principal amount to the payee the concerned petitioner.
7. The claimants are directed to submit the following details within one week from today:-

- (1) Name of the claimant with address.
- (2) Name of the Bank & Branch, Bank IFSC Code, Account Number of the claimant.
- (3) The first page of the bank pass-book, which will compulsorily contain the photograph of the claimant, duly attested by the Bank concerned, should be made available.
- (4) Wherever the claimant are impleaded as Respondents before the

claims tribunal, their account details, as above, will have to be furnished.

- (5) The insurance companies and transport corporations and such other entities shall deposit the amount as directed in Circular No.08/2022 dated 01/02/2022 in Account Name:- MACT, City Civil & Sessions Court, Account No.00000040749456872, IFSC Code: SBIN0000301 and on such deposits being made, the insurance companies and transport corporations and such other entities shall submit a letter to the Registry of City Civil & Sessions Court enclosing a copy of the said bank advice, in prescribed format as above, as per which the deposit was made to the bank account of the Claims Tribunal, to enable the Claims Tribunal to keep tab on the deposits made and the MACPs for which they were made, which is a fundamental need for a smooth implementation.

- (6) The Payment advice for remittance of compensation is as under:-

PAYMENT ADVICE FOR REMITTANCE OF COMPENSATION

From:
..... Bank
To:
..... Court

We confirm remittance of compensation as follows on _____ instructions of (insurance company/transport corporation):-

1. MACP Number
2. On the file of (Claims Tribunal Name)
3. Place
4. Date of award
5. Amount Deposited
6. Income Tax Deduction at Source, if any Unique Transaction Reference (UTR) No.

- (7) The Insurance Companies, Transport Corporations and such other entities making such deposit, shall also send a copy of the payment advice in the aforesaid Clause to the Claims Tribunal concerned and serve a copy of the same on the claimants or their counsel as the case may be.

- (8) Insofar as tax deduction at source is concerned, Form 16- of the Income Tax Act should be provided to the claimant/victim on whose behalf the deduction has been made so as to enable him to seek refund of tax deducted.

BILL OF COST

PARTICULAR	APPLICANT	OPPONENT
	Rs. ps.	Rs. Ps.
Court Fees (1/2)	--	--
Vakalatnama	03-00	03-00
Stamp on Documents	--	--
Advocate Fee (1/4)	1806-00	1806-00
Total	1809=00	1809=00

PREPARED BY

GIVEN UNDER MY HAND AND
THE SEAL OF THE COURT ON
09TH DAY OF SEPTEMBER, 2023.

(J.M.ASODIYA)

ASSISTANT

DECREE DEPT.

CHECKED BY

(A.V.HIRPARA)

JUDGE

(J.J.PARMAR)
BENCH CLERK GR.1
DECREE DEPT.

M.A.C.T.(AUXI.), LOK ADALAT,
CITY CIVIL COURT,
AHMEDABAD
(CODE: GJ00656)

This 03rd Day Of October, 2023.