

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

M.A.C. PETITION NO. 214 OF 2013

EXH.26

APPLICANT

- 1) Minor Vandan Girishbhai Thakkar - Through Father and natural Guardian Girishbhai Chhotalal Thakkar.
address - 81, Chandrashila Society, Bh. Bhavna Apartment, Vasna Barage Road, Ahmedabad

VERSUS

OPPONENTS

- 1) Zafarilas Alihusen Saiyed
address - 75, Jahangirnagar, Nr. Amina Masjid, Vatva, Ahmedabad
- 2) Umravbibi Gulamshamiya Bukhari
ADD-at.Post. Mahelaj, Ta. Matar, Dist. Kheda, Ahmedabad
- 3) The Bharti Axa General Insurance Co. Ltd.
ADD-401, 402, 4th Floor, Third Eye Situated, Panchvati Cross Road, C.G.Road, Ahmedabad

Coram: H.H.Judge Shri A.J.Kanani

Lok Adalat.

- The claim petition has been put before Hon'ble Judge Shri A.J.Kanani for Final hearing and order at National Lok Adalat held on 09.12.2023, in presence of Learned advocate of both side. The Following order is passed below Exh.01 and awarded that.....

ORDER BELOW EXH.01:-

- 1] In view of the pursis **Exh:25** passed by both the parties, compromise has taken place between the parties in National Lok Adalat held on 09/12/2023. The applicant has agreed and is willing to accept compensation amount of **Rs.2,00,000/- (Rupees Two Lacs Only)** from the Opponent – **ICICI LOMBARD General Insurance Co. Ltd. / Bharati AXA GIC** and the said Insurance Company has accepted its full and final liability to pay the compensation to the applicant. Hence, the compromise is recorded.
- 2] The amount of Court fees if paid, be refunded to petitioners as provided under Sec.21 of the Legal Services Authority Act, 1987.
- 3] The claimants are directed to submit following details within one week from today:-
 - (a) Name of the claimants/victims with address;
 - (b) Name of the Bank & Branch, Bank IFSC Code, Account Number of the claimants/victims;
 - (c) First page of Bank passbook compulsorily containing photograph of the claimants/victims duly attested by the Bank concerned, should be made available.
 - (d) Wherever the claimants/victims are impleaded as respondents, before the Claims Tribunal, their account details as above, shall have to be furnished.
- 4] The opponent Insurance company shall deposit the amount as directed in Circular No.08/2016 dated 01/02/2016 in Account Name:- MACT, City Civil & Sessions Court, Account No.00000040749456872, IFSC Code: SBIN0000301 and on such deposits being made, the opponent Insurance Company shall submit a letter to the Registry of City Civil Court, Ahmedabad 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.

The payment advice for remittance of compensation is as under:-

PAYMENT ADVICE FOR REMITTANCE OF COMPENSATION

From: (Name of Bank)

To : (Name of Court)

We confirm remittance of compensation as follows on instructions of the opponent Insurance Company:

1)	M.A.C.P. Number
2)	On the file of (Name of Claims Tribunal)
3)	Place
4)	Date of Award
5)	Amount deposited
6)	Income Tax Deduction at Source, if any Unique Transaction Reference (UTR) No.

- 4.1]** The opponent Insurance Company 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.
- 4.2]** Insofar as tax deduction at source is concerned, Form 16A of the Income Tax Act should be provided to the claimants/victims on whose behalf the deduction has been made so as to enable them to seek refund of tax deducted.
- 4.3]** Out of the amount of compensation deposited by the opponent Insurance Company as aforesaid, the amount of compensation shall be disbursed in the following manner:-
- (a) first of all, amount towards **medical bills, if any** shall be paid to the applicant by Account Payee Cheque after due verification
 - (b) thereafter, out of the remaining amount, **50%** amount of compensation shall be deposited in a Fixed Deposit Scheme

of any nationalized bank of the choice of the concerned claimant for a period five 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.

(c) lastly, the remaining **50%** amount shall be paid to the concerned claimant by account payee cheque after legal and physical verification.

5] Registry is further ordered that if the compensation amount is below Rs.2,50,000/- (Two lakhs Fifty Thousands only), the claimant shall get full amount by way of account payee cheque, accordingly.

6] The present matter is disposed of accordingly.

7] PDF Copy of this order be sent to Opponent Insurance Company through email.

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)	744-00	744-00
Total	747=00	747=00

PREPARED BY

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

(J.M.ASODIYA)
ASSISTANT
DECREE DEPT.

CHECKED BY

(A.J.KANANI)

JUDGE

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

M.A.C.T.(AUX.), LOK ADALAT,
CITY CIVIL COURT,
AHMEDABAD
(CODE: GJ00662)

This 19th Day Of December, 2023.