

ORIGINAL AWARD

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

MAC PETITION NO. 69 OF 2024

Exh-12

=====

APPLICANT:- 1) RAJGOPAL RAMDULARE YADAV

Address - K/2/175, NIKITAPARK, NOBALNAGAR,
AHMEDABAD.

VERSUS

**OPPONENTS 1) KASHYAPBHAI PUNJABHAI TOYATA - DRIVER
OF MOTORCAR NO. GJ-32-AA-7978.**

Address - NEAR F.C.I. GODOWN, VILLAGE- CHELA-
03, MALDHARI HOTEL, DARED, JAMNAGAR-361012.

**2) MAMMADHUSEN YUSUFBHAI SORTHIYA -
OWNER OF MOTORCAR NO. GJ-32-AA-7978**

127, NEAR RIVER BHOY, VADO, UNA,
GIRSOMANATH.362560

**3) HDFC ERGO GENERAL INSURANCE COMPANY
LIMITED**

206, SECOND FLOOR, SHOPPERS PLAZA-4,
C.G.ROAD, NAVRANGPURA, AHMEDABAD

**Coram: Hon'ble Judge Shri M. R.Chaudhary
National lok Adalat.**

The claim petition has been put before Hon'ble Tribunal
Shri M.R.Chaudhary Court No.13. for Final hearing and order

at National Lok Adalat held on 14-12-2024, in presence of Learned advocates of both side. The Following order is passed below Exh.01- and awarded that...

: -: ORDER BELOW EX. 1 –

Settlement has been arrived between Petitioner i.e. Rajgopal Ramdulare Yadav and Respondent No.3 i.e. HDFC ERGO General Insurance Co. Ltd. in the shape of compromise produced on the record at Ex.11 by which parties agreed to the terms and conditions of the compromise deed. Request was made to pass an award as per the terms and conditions of the compromise deed. Terms and conditions of the compromise deed are just, fair and reasonable for all the parties to the compromise. Hence, following final order is hereby passed.

: -: Final order :-:

1. The present MACP is hereby **partly** allowed as per settlement arrived between the parties.
2. Petitioner is held entitled for the compensation of **Rs.2,25,000/- (Rupees Two lakhs twenty-five thousand)** to be paid by respondent No.3 in terms of settlement arrived between the parties.
3. It is further directed that compensation amount shall be deposited directly into the bank account maintained by this Tribunal (detail given below) by RTGS or NEFT mode within one month. On such deposits being made, depositor shall submit a letter to the registry of this Tribunal enclosing copy of bank advice in prescribing form, as per which the deposit was made to the bank account of this Tribunal. Depositor shall also send a copy of payment advice to this Tribunal and shall serve a copy of the same on the claimant/s or their counsel as the case may be.

Name of Bank	State Bank of India, Main Branch, Ahmedabad.
Account Number	MACT, CITY CIVIL AND SESSIONS COURT
Account Name	00000040749456872
IFSC Code	SBIN0000301
Branch Code	00301

4. It is further directed that after depositing the compensation amount, depositor shall communicate the factum of the deposit forthwith/ expeditiously to this Tribunal with a copy to the beneficiaries.

5. It is further directed that depositor shall comply the directions given by Hon'ble Supreme Court in Bajaj Alliance General Insurance Co. Vs. Union of India, Writ Petition (s) (Civil) No. 534 of 2020 as well as directions given by Hon'ble High Court of Madras in Civil Misc. Appeal No.428 of 2016 decided on 11th March, 2016 titled as Divisional Manager, The Oriental Insurance Co. Ltd. Vs. Rajesh & Ors.

6. If compensation has been award and paid u/s. 140 of the M.V. Act, then such amount of compensation shall be reduced from the amount of compensation awarded by this Tribunal under this award.

7. On depositing the aforesaid amount of compensation, entire amount shall be paid to the petitioner by direct transfer to the credit of the bank account of the petitioners **(detail given below)** by NEFT or RTGS after proper verification.

8. The Petitioners are directed to furnish following information in the format prescribed herein below to the Registry/ Nazir Branch of this Court, for direct credit of the compensation amount to his/her account. Petitioners shall also submit copy of their Aadhar Card, Pan Card and first page of bank pass-book with photograph of petitioners duly attested by the bank.

Aadhar Number	
Pan Number	
Name of Bank & Branch	
Name and address of account holder (Petitioner)	
Bank Account Number	
IFSC Code	
MICR Code	

9. The matter was settled in Lok-Adalat therefore the petitioners are exempted to pay Court Fees under Sec. 21(1) of Legal Services Authorities Act 1987. So, recovery of court fee is not required. Court fees refund Certificate if required, be issued to Petitioners.

10. Respondents shall follow the guidelines of Hon'ble Gujarat High Court in the case of Smt. Hansagauri Prafulchandra Ladhvani & Ors. V/s. The Oriental Insurance Company cited at 2007(2) GLH Page No.297, with regard to the Income Tax liability if any. If Income Tax at source has been deducted then Form 16-A of IT Act shall be provided to the petitioners on whose behalf the deduction has been made.

11. No order as to costs.

12. Authenticated copy of award is directed to be sent to the Insurance Company through e-mail.

13. Original R & P be send to record room after due compliance.

BILL OF COST

PARTICULAR	APPLICANTS	OPPONENTS
	Rs. ps.	Rs. Ps.
Court Fees (1/2)	--	--
Vakalatnama	03-00	03-00
Stamp on Documents	--	--
Advocate Fee (1/4)	781-25	781-25
Total	784=25	784=25

PREPARED BY

GIVEN UNDER MY HAND AND THE SEAL OF THE
COURT ON 14th DAY OF DECEMBER, 2024.(S.M.SHAIKH)
Asst. Superintendent
DECREE DEPT.

CHECKED BY

(MANISH R. CHAUDHARY)
MACT (AUX. JUDGE COURT No. 13
NA TIONAL LOK-ADALAT,
CITY CIVIL COURT,
AHMEDABAD (CODE: GJ00692)(N. J. PATEL)
BENCH CLERK GR.1
DECREE DEPT.**This 24th Day Of December, 2024.**