

GJRJ210007762025		Received on	20/12/2025
		Registered on	20/12/2025
		Decided on	14/08/2026
		Duration	YY MM DD 00 08 11

IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(AUXL.) AT JETPUR, DISTRICT-RAJKOT
Motor Accident Claim Petition No. 195/2025

Prabhavatiben Mansukhlal Dodiya,

Age- 75, Occ. Sewing work,

Address- C-4, Fulwadi, Jetpur.

... Claimant

V E R S U S

Owner of Bus No. GJ-18-Z-7376

Gujarat State Road Transport Corporation,

Through Depot Manager, Jetpur Division,

Dhoraji Road, Jetpur.

...Opponent

Subject :- *Petition for claim of Rs.2,50,000/- u/s.164 of M.V. Act.*

APPEARANCE:

Ld. Adv. Shri A.V. Parekh for the Claimant.

Ld. Adv. Shri J.K.Vyas, for the Opponent.

:- J U D G M E N T :-

[1] The claimant has preferred the present claim petition against the opponent under Section 164 of the Motor Vehicles

Act, 1988 (hereinafter referred to as "the M.V. Act"), seeking compensation of Rs.2,50,000/- for the injuries sustained by her in the motor vehicular accident in question.

[2] The case of the claimant, in brief, is that on 06.11.2025, she was traveling in a bus bearing Registration No. GJ-18-Z-7376. When the said bus reached near Aquatic Hotel on the Rajkot–Porbandar National Highway, near Gundala Village, the driver of the bus allegedly drove the vehicle at an excessive speed and in a rash and negligent manner, thereby endangering human life, and suddenly lost control over the steering. As a result, the bus turned turtle and fell on the roadside, thereby causing the accident. Due to the said accident, the claimant sustained grievous injuries and was taken to the hospital for medical treatment. In respect of the said accident, FIR No.11213023250647 came to be registered at Jetpur Taluka Police Station on 06.11.2025.

[3] It is further averred by the claimant that, on account of the grievous injuries sustained in the accident, she underwent severe pain, shock and suffering during the course of treatment. She was also required to incur expenses towards medicines, transportation, attendant charges, special diet and other incidental expenses. On these grounds, the claimant has claimed compensation of Rs.2,50,000/- from the opponent.

[4] Notice was duly served upon the opponent. Opponent–GSRTC appeared through its learned advocate and filed its written statement at Exh.11 contesting the claim petition. In the said written statement, the opponent denied the material

averments of the claim petition and contended that the accident did not occur due to any negligence on the part of the driver. It was further contended that the vehicle bearing Registration No. GJ-18-Z-7376 was not involved in the alleged accident. On these grounds, the opponent contended that it was not liable to pay any compensation to the claimant and prayed for dismissal of the claim petition.

[5] Considering the pleadings of the parties, the following issues framed at Exh.13 for determination of this claim petition:

1. Whether it is proved that the claimant sustained injuries on account of rashness and negligence in driving on the part of the driver/s of the vehicle/s involved in the accident ?
2. What amount, if any, the claimants are entitled to by way of compensation and from which of the opponents ?
3. What Order and Award ?

[6]. My findings to the above issues are as under :

1. In affirmative.
2. In affirmative.
3. As per final order.

[7] EVIDENCE OF CLAIMANT :-

To prove the case, the Claimant has adduced oral as well as documentary evidence as under:

[7-A] ORAL EVIDENCE

Sr. No.	NAME OF WITNESSES	Exhibit
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1	Examination-in-chief of Prabhavatiben Mansukhlal Dodiya	14
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[7-B] DOCUMENTARY EVIDENCE

Sr. No.	Description of Documents	Exhibit
1	Accident Report	15
2	Letter to register crime	16
3	Station diary entry	17
4	Statement of the claimant before police	18
5	FIR	19
6	Panchnama of scene of offence	20
7	Statement of Simaben Mansukhbhai Dodiya before police	21
8	Statement of Uttam Bhikaji Chaskar before police	22
9	Letter to GSRTC, Jetpur Workshop to provide vehicle details	23
10	Driving license of driver of ST Bus	24
11	Appointment letter of driver of ST Bus	25
12	Injury certificate of the Uttam Bhikaji Chaskar	26
13	Injury certificate of Simaben Mansukhlal Dodiya	27
14	Injury certificate of the claimant	28
15	Medical certificate of Uttam Bhikaji Chaskar	29
16	Medical certificate of the claimant	30
17	Medical certificate of the claimant	31
18	Charge-sheet	32

[8] EVIDENCE OF OPPONENTS :-

The opponent has not filed any oral as well as documentary evidence.

[9] The Ld. Adv. for the claimant and opponent have filed joint closing purshis at Exh.33.

: REASONS :**Issue No. 1****[10] Arguments of the claimant :**

[10.1] Heard. Ld. Advocate Mr. A.V. Parekh for the claimant. He has argued at length and submitted that claimant has proved his version by adducing oral and documentary evidence which remained unchallenged. In that circumstances, there is no reason to discard it. Hence, claim petition is to be allowed.

[10.2] Before entering into merits and demerits of the case on hand, the question that poses for consideration is as to whether in a claim petition filed U/s.164 of the Motor Vehicles Act (i.e. old Section 163A of the M.V. Act), it is open for the opposite party to raise the defence / plea of negligence ?

[10.3] The main and true scope of the provisions contained in Section 164 of the Act as set out is to the effect that the legislature has incorporated under a welfare scheme to provide benefits to the family of the victim or injured person to grant compensation U/s. 164 of the Act, where a person does not need to prove rash and negligent driving of the offending vehicle as the cause of the accident. Since the claim petition is filed U/s.164 of the Act, the proof as to the negligence of the driver of the errant vehicle is not required to be established qua in a proceeding under Section 164 of the Act, it is not open for the

other side to raise any defence of negligence on the part of the victim as well as driver of the offending vehicle. Thus, in a Proceedings U/s.164 of the Motor Vehicle Act, the claimant does not need to prove that the death or grievous hurt was due to negligence of the driver or owner of the vehicle.

[10.4] The claimant has deposed on oath at Exh.14 and she has reiterated the facts of the claim petition. The Ld. Advocate for the claimant has relied upon FIR, Scene of Offence Panchnama and charge-sheet.

[10.5] On perusal of the FIR at Exh.19, it transpires that on 06.11.2025, the claimant was travelling in the bus bearing Registration No. GJ-18-Z-7376. When the said bus reached near Aquatic Hotel, situated on the Rajkot–Porbandar National Highway near Gundala Village, the driver of the bus allegedly drove it at an excessive speed and in a rash and negligent manner, thereby endangering human life, and suddenly lost control over the vehicle. As a result, the bus turned turtle and fell on the roadside, thereby causing the accident. Due to the said accident, the claimant sustained grievous injuries and was taken to the hospital for medical treatment.

[10.6] On perusal of the panchnama of the scene of offence at Exh.20, it transpires that the accident occurred on the Rajkot–Porbandar National Highway, near Aquatic Park, Gundala Village. From the place of occurrence, a broken glass piece bearing the inscription "ST Gujarat", along with other pieces of glass and fibre material, was found. It is further recorded that the bus was shifted to the Jetpur Workshop for inspection, where the bus bearing Registration No. GJ-18-Z-7376 was found in a

damaged condition. The aforesaid circumstances, read in conjunction with the other documentary evidence on record, corroborate the occurrence of the accident and the involvement of the said bus.

[11] At the out set, it is pertinent to note that petition filed under section 164, the question to be considered by the Tribunal is the involvement of the vehicle against which the compensation is sought for and not whether there is rash or negligence on part of the driver of the vehicle against which the compensation is claimed. The aspect of negligence has no role whatsoever to decide question of the entitlement for compensation Section 164 of the Act itself lays down that:

Hon'ble Apex Court in a decision reported in (2004) 5 SCC 385 rendered in Deepal Girishbhai Soni and Ors., Vs United India Insurance Co., Ltd., held that;

“Section 163-A also covers the cases where negligence is even on part of the victim held excluding the defense of contributory negligence”.

In Civil Appeal No.9694/2013 in between United India Insurance Vs Sunil Kumar and another it is held by the Hon'ble Supreme Court that;

“ in a proceedings under section 163-A of MV Act it is not open for the insurer to raise any defense of negligence on part of the victim”.

[12] In view of above provision of law and case laws, it is crystal clear that in a petition filed under section 163-A/164 of the Act, the proof of negligence is not required to be considered by the Tribunal. All that has to be considered by this tribunal is

whether vehicle against which the claim made is involved in the accident. In this case, the bus **no. GJ-18-Z-7376 of the opponent** is involved in the accident.

[13] Claimant filed this petition U/s 164 of MV Act. Hence, in view of the above decisions it is observed that claimant is entitled to compensation without finding of negligence. The claimant has produced Medical certificate of GMERS General Hospital, Junagadh at Exh.28, wherein it is found that she she diagnosed with stitched wound of 5 x 1cm over Lt side corner of head, swelling and tenderness over Rt wrist region, C/w of 6 x 3 cm over Lt wrist dorsal side, Pain over Rt wrist, Rt Hip region, NCT Brain: E/O linear non displaced fracture is seen in frontal bone, minimal subarachnoid hemorrhage is seen in calcarine sulci of Rt high parietal region. She has also produced medical certificate of Government Hospital, Jetpur at Exh.30 wherein it is found the claimant with laceration of approx 2 x 4 cm over head. Fracture on right wrist and abrasion of approx 3 x 1 over Lt hand. Under such circumstances, relying upon the oral evidence and documentary evidence this tribunal is of the opinion that the accident has been occurred by involvement of the vehicle of the opponent and same has resulted in injuries to the claimant. In that circumstance Issue No.1 is decided in the affirmative.

Issue No.2 :-

[14] Quantum of compensation

It is case of the claimant that at the time of accident, the claimant was aged about 76 years old(As per Aadhar card produced at mark 5/2). The learned advocate of for the claimant has argued that the claimant has sustained grievous injuries due

to accident hence, entitled to get compensation of Rs.2,50,000/-, as per amended provision of sec.164 of M.V. Act., it would be just to reproduce Sec. 164 of motor vehicle amended act 2019.

Payment of compensation in case of death or grievous hurt etc.

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorized insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub sec.(1) the claimant shall not be required to plead or established that, death or grievous hurt in respect of which the claim has been made due to any wrong full act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

Hence, as per discussion made herein above, the claimant is entitled to receive compensation of **Rs.2,50,000/-**
[Rupees Two Lakh Fifty Thousand].

LIABILITY

[15] As the opponent is the owner of the Bus no. GJ-18-Z-7376 and therefore, the opponent is held liable to pay compensation to the claimant.

Interest :-

[16] Considering the judgment of Hon'ble Apex Court in case of *Yeramma & Ors. V/S G. Krishnamurthy & Ors. reported in 2014 ACJ 2161*, it would be just and proper to award interest at the rate of **9% per annum**. Therefore, looking to the circumstances of the case, the claimant is awarded interest from the date of the petition till the realization of the amount. Hence, I pass the following final order :

ISSUE NO.3

[17] As per the aforesaid discussions, the following final order is hereby passed.

//FINAL ORDER//

- [1] The present motor accident claim petition is hereby allowed.
- [2] The Claimant of is entitled to recover **Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only)** as compensation with interest at the rate of **9% p.a.** from the date of this claim petition till its realization with proportionate costs from the Opponent.
- [3] The amount if already paid under 'No Fault Liability' shall be deducted. Out of the total amount inclusive of interest and costs when deposited, after deducting necessary court-fee, out of the remaining amount of compensation, 60% amount of the share of the claimant is to be invested in his/her name in any nearest nationalized bank for a period of five years with condition not to withdraw the same or to create any encumbrances or to raise loan without the prior permission of this Tribunal but the claimant may withdraw the periodical interest paid to the claimant by the bank that may have accrued on the F.D.R. The remaining 40% of

the amount of the share of the claimant be paid to her by an account payee cheque in her name after due verification.

[4] The Opponent do pay cost of the claimant and also bear that of his own.

[5] The opponent would deposit the compensation amount of the Award in this Tribunal as per the details of the account which is as under;

Name of the Bank	GUJARAT GRAMIN BANK, JETPUR
Account holder name	ADDITIONAL DISTRICT COURT JETPUR
Account No.	78047317175
IFSC Code	BARB0BGGBXX

[6] The opponent should follow and, comply with the directions and guidelines, laid down, relating to liability of Income-Tax, by the Hon'ble Gujarat High Court in the Judgment reported in **2007 A.C.J. 37, in the case of Hansa Gauri Prafulchandra Ladhani V/s The Oriental Insurance Co. Ltd.**

[7] Award be drawn accordingly.

Pronounced in the open Court today on this 14th day of August, 2026 at Jetpur.

DATE: 14/08/2026
PLACE: JETPUR

[Rajesh Sureshchandra Purani]
M.A.C.T. (AUXI.), JETPUR
AT DISTRICT- RAJKOT
JUDGE CODE :- GJ00727