BEFORE THE HON'BLE MOTOR ACCIDENT CLAIMS TRIBUNAL [AUXI.] AHMEDBAD(RURAL).

Exh.____

Motor Accident Claim Petition No.464/2012(Main)
With
Motor Accident Claim Petition No.465/2012
with
Motor Accident Claim Petition No.466/2012
with
Motor Accident Claim Petition No.470/2012
with
Motor Accident Claim Petition No.635/2012
with
Motor Accident Claim Petition No.716/2012

Motor Accident Claim Petition No.464/2012(Main)

Petitioner [amended vide Exh.30]	:	**Bhavya Chandreshbhai Solanki** Age:21 years, Occup:Studying. R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City. Present R/o:Gamadi, Taluka-Daskroi.

VERSUS

[Owner of Tempo No.GJ-5-AU-3265]

Opponents [owner]	1:	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance com.]	2:	**Royal Sundaram Alliance Insurance Com. Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.

Motor Accident Claim Petition No.465/2012

Petitioner	:	**Jaydev Chandreshbhai Solanki**
		Age:23 years, Occup:Studying,
[amended vide Exh.31]		R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City. Present R/o:Gamadi, Taluka-Daskroi.

VERSUS

[Owner of Tempo No.GJ-5-AU-3265]

Opponents [owner]	1:	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance com.]	2:	**Royal Sundaram Alliance Insurance Com. Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.

Motor Accident Claim Petition No.466/2012

Petitioner [amended vide Exh.32]	:	**Zeel Hirenbhai Solanki** Age:26 years, Occup:Studying, R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City. Present R/o:Gamadi, Taluka-Daskroi.

VERSUS

[Owner of Tempo No.GJ-5-AU-3265]

Opponents [owner]	1:	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance	2:	**Royal Sundaram Alliance Insurance Com.**

com.]		**Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.
	3:	**Chandreshbhai Gatorbhai Solanki** R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City.

<u>Motor Accident Claim Petition No.470/2012</u>

Petitioners	**:**	**Legal heirs of deceased-Harsh Hirenbhai Solanki**
[amended vide Exh.28]	**1:**	**Alpaben Hirenbhai Solanki** Age:50 years, Occup:Household work.
	2:	**Zeel Hirenbhai Solanki** Age:26 years, Occup:Studying. Both R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City. Present R/o:Gamadi, Taluka-Daskroi.

<u>VERSUS</u>

<u>[Owner of Tempo No.GJ-5-AU-3265]</u>

Opponents [owner]	**1:**	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance com.]	**2:**	**Royal Sundaram Alliance Insurance Com. Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.
	3:	**Chandreshbhai Gatorbhai Solanki** R/o:18/ Kailas Park Society, P.D. Pandya

College Road, Vatva, Taluka-City.

Motor Accident Claim Petition No.635/2012

Petitioners	**:**	**Legal heirs of deceased-Hirenbhai Gatorbhai Solanki**
	1:	**Alpaben Hirenbhai Solanki(widow wife)** Age:50 years, Occup:Household work.
[amended vide Exh.42]	**2:**	**Zeel Hirenbhai Solanki** Age:25 years, Occup:Studying.
	3:	**Gatorbhai Haribhai Solanki**
	4:	**Devuben Gatorbhai Solanki**
		All R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City. Present R/o:Gamadi, Taluka-Daskroi.

VERSUS

[Owner of Tempo No.GJ-5-AU-3265]

Opponents [owner]	**1:**	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance com.]	**2:**	**Royal Sundaram Alliance Insurance Com. Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.
	3:	**Chandreshbhai Gatorbhai Solanki** R/o:18/ Kailas Park Society, P.D. Pandya College Road, Vatva, Taluka-City.

Motor Accident Claim Petition No.716/2012

Petitioner	**:**	**Chandreshbhai Gatorbhai Solanki** R/o:18/ Kailas Park Society, P.D. Pandya

College Road, Vatva, Taluka-City.

VERSUS

[Owner of Tempo No.GJ-5-AU-3265]

Opponents [owner]	**1:**	**Shri Rakeshbhai Jagdishbhai Patil** Age:Major, R/o:53/54, Oalpad GIDC, Opp. Syanide Factory, Oalpad, Surat.
[insurance com.]	**2:**	**Royal Sundaram Alliance Insurance Com. Ltd.** Address:Chandan House, Opp. Pantaloon, Mithakhali Six Road, Elisbridge, Ahmedabad-380009. Policy No.VGCO 243302000100 Period from 28.09.2011 to 27.09.2012.

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Appearances:
Learned Advocate Mr. D.R. Chauhan for the claimants/petitioners(in all petitions).
Opponent No.1 in person (in all petitions).
Learned Advocate Mr. H.H. Jani for the opponent No.2-Ins. Company (in all petitions).
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-:-JUDGEMENT-:-

1. In the present case, it is pertinent to note here that above mentioned six claim petitions have arisen out of one and same accident and therefore, all six claim petitions have been consolidated by order passed below Exh.42 vide order dated 25.02.2026. Thus, in view of the above facts on record, the above numbered claim petitions are being decided by this Common Judgment.

2. It is pertinent to mention that out of six petitions, four claim petition bearing MACP No.464/2012, 465/2012, 466/2012 &

470/2012 have been filed **U/s 163-A of the Motor Vehicles Act, 1988 (herein after referred as "M.V. Act")** and two claim petitions being MACP No.635/2012 & 716/2012 have been filed **U/s 166 of the M. V. Act, 1988** by the respective Petitioner(s)/Claimant(s) and/or by the legal representatives of the deceased who succumbed in the vehicular accident against the Opponents to recover compensation in following manner;

MACP Nos.	**Claim Amount**
464/2012	Rs.2,00,000/-(Rupees Two Lakh)
465/2012	Rs.1,00,000/-(Rupees One Lakh)
466/2012	Rs.1,00,000/-(Rupees One Lakh)
470/2012	Rs.5,00,000/-(Rupees Five Lakh)
635/2012	Rs.35,00,000/-(Rupees Thirty Five Lakh)
716/2012	Rs.5,00,000/-(Rupees Five Lakh)

3. Now, so far as the claimant/petitioner in MACP No.464/2012 is concerned, it is pertinent to note here that initially, the MACP No.464/2012 and MACP No.465/2012 were preferred by the minor claimant/petitioner through their legal guardian viz. father-Chandreshbhai Solanki, but subsequently, during the pendency of the claim petition, as the minor claimant turned into major, therefore, the same was amended by this Tribuanl vide order passed below Exh.30 & Exh.31 respectively.

4. Similarly, so far as the claimant/petitioner in MACP No.466/2012 is concerned, it is pertinent to note here that initially, the MACP No.466/2012 was preferred by the minor claimant/petitioner through his/her legal guardian viz. mother-Alpaben Hirenbhai, but subsequently, during the pendency of

the claim petition, as the minor claimant turned into major, therefore, the same was amended by this Tribuanl vide order passed below Exh.32.

5. The brief facts of the present claim petitions are as under;

MACP No.464/2012 & 465/2012

It is the case of the petitioners - Bhavya Chandreshbhai Solanki and Jaydev Chandreshbhai Solanki that on dated 28.10.2011, minor petitioners alongwith their legal guardian i.e. parents and family were coming to Surat by travelling in Indica Car No.GJ-1-HG-1934**(hereinafter referred as 'Indica Car' for the sake of brevity)** and the said Indica Car was being driven by father of the minor petitioners in moderate speed, as per traffic rules and on the correct side of the road and while they were passing in the Valsad Rural police station jurisdiction on Mumbai-Ahmedabad highway road, at that time, driver of one Tempo bearing RTO No.GJ-5-AU-3265**(hereinafter referred as 'Tempo' for the sake of brevity)** owned by opponent No.1 and insured with opponent No.2, was coming rear side of the Indica Car and the driver of Tempo was driving his vehicle in rash, negligent manner and endangering to human life and due to excessive speed, driver of tempo could not control over the steering of Tempo and dashed to the rear side of Indica Car and thereby, the accident occurred as averred in the claim petition. It is stated that in the accident, the minor petitioners have sustained injuries and one Hirenbhai has also sustained fatal injuries who succumbed due to the fatal injuries, children of Hirenbhai has also sustained serious injuries and consequently Harsh also succumbed due to the fatal injuries in the vehicular accident. It is further stated that minor petitioners had also sustained serious injuries all over parts of their body. For the said accident, FIR was lodged at Valsad Rural Police Station.

It is further stated that at the time of accident, petitioner-Bhavya and petitioner-Jaydev were minor healthy boy and they were studying but the serious injuries have caused permanent disablement to the minor Petitioners and also that the father of the Petitioners has spent huge amount for treatment, medicines, transportation, special diet, attendant charges etc. and has underwent severe pain, shock and suffering because of injuries sustained by them in accident hence, they have filed the present claim petition for compensation against the opponents.

MACP No.466/2012 & 470/2012

It is the case of petitioner - Zeel Hirenbhai Solanki and legal heir of deceased-Harsh that on dated 28.10.2011, minor petitioners Zeel and Harsh alongwith their legal guardian i.e. mother-father and family members were coming to Surat by travelling in one Indica Car **No.GJ-1-HG-1934 (hereinafter referred as 'Indica Car' for the sake of brevity)**, owned by **opponent No.3-Chandreshbhai** and the said Indica Car was being driven by **opponent No.3-Chandreshbhai** in moderate speed, as per traffic rules and on the correct side of the road and while they were passing in the jurisdiction of Valsad Rural police station on Mumbai - Ahmedabad highway road, at that time, driver of one Tempo bearing **RTO No.GJ-5-AU-3265**

(hereinafter referred as ‘Tempo’ for the sake of brevity) owned by opponent No.1 and insured with opponent No.2, was coming rear side of the Indica Car and the driver of Tempo was driving his vehicle in rash, negligent manner and endangering to human life and due to excessive speed, driver of tempo could not control over the steering of Tempo and dashed to the rear side of Indica Car and thereby, the accident occurred as averred in the claim petition. It is stated that in the accident, the minor petitioners have sustained injuries and consequently Harsh succumbed due to the fatal injuries in the vehicular accident and Hirenbhai has also sustained fatal injuries who succumbed due to the fatal injuries in the vehicular accident. For the said accident, FIR was lodged at Valsad Rural Police Station.

It is further stated that at the time of accident, petitioner-Zeel was minor healthy and she was studying but the serious injuries have caused permanent disablement to the minor Petitioner and also that the mother of the Petitioner has spent huge amount for treatment, medicines, transportation, special diet, attendant charges etc. and has underwent severe pain, shock and suffering because of injuries sustained by her in accident hence, filed the present claim petition for compensation against the opponents.

MACP No.470/2012

It is further stated that at the time of accident deceased i.e. petitioner No.1 son was only 9 years old and on account of sudden death of the deceased, the petitioner No.1 has lost her beloved child at very young age, hence, has filed present claim petition for compensation against the opponents.

MACP No.635/2012

It is the case of the petitioner - Alpaben Hirenbhai Solanki(widow wife) that on dated 28.10.2011, petitioner No.1 alongwith her husband-Hirenbhai, her son Harsh, her daughter-Zeel alongwith children of her brother-in-law(Devar) Chandreshbhai were coming to Surat by travelling in Indica Car No.GJ-1-HG-1934**(hereinafter referred as 'Indica Car' for the sake of brevity),** owned by opponent No.3-Chandreshbhai and the said Indica Car was being driven by Chandreshbhai in moderate speed, as per traffic rules and on the correct side of the road and while they were passing in the jurisdiction of Valsad Rural police station jurisdiction on Mumbai - Ahmedabad highway road, at that time, driver of one Tempo bearing RTO No.GJ-5-AU-3265**(hereinafter referred as 'Tempo' for the sake of brevity)** owned by opponent No.1 and insured with opponent No.2, was coming rear side of the Indica Car and the driver of Tempo was driving his vehicle in rash, negligent manner and endangering to human life and due to excessive speed, driver of tempo could not control over the steering of Tempo and dashed to the rear side of Indica Car and thereby, the accident occurred as averred in the claim petition. It is stated that in the accident, the husband of petitioner No.1 namely Hirenbhai had sustained fatal injuries who succumbed due to the fatal injuries, children of petitioner No.1 have also sustained serious injuries and consequently Harsh also succumbed due to the fatal injuries in the vehicular accident. It is further stated the Chandreshbhai and his minor children have also sustained injuries all over parts of their body. For the said accident, FIR was lodged at Valsad Rural Police Station.

It is further stated that in the accident, the husband of petitioner No.1 had sustained grievous injuries on various part of his body and consequently succumbed due to fatal injuries sustained by the deceased in the vehicular accident. It is further stated that at the time of accident, deceased was 37 years old healthy person and deceased was doing job in Cadila Pharmaceutical Company at Dholka in the manufacturing department and getting Salary Rs.16,600/- p.m. It is further averred that on account of sudden death of the deceased, Petitioners have lost their shelter, support, care taker and important family member, hence, have filed present claim petition for compensation against the opponents.

MACP No.716/2012

It is the case of the petitioner-Chandreshbhai Gatorbhai Solanki that on dated 28.10.2011, petitioner alongwith his minor children and Hirenbhai alongwith his wife and children, all family members were coming to Surat by travelling in his Indica Car No.GJ-1-HG-1934**(hereinafter referred as 'Indica Car' for the sake of brevity)** and the said Indica Car was being driven by petitioner in moderate speed, as per traffic rules and on the correct side of the road and while he was passing in the jurisdiction of Valsad Rural police station jurisdiction on Mumbai - Ahmedabad highway road, at that time, driver of one Tempo bearing RTO No.GJ-5-AU-3265**(hereinafter referred**

as 'Tempo' for the sake of brevity) owned by opponent No.1 and insured with opponent No.2, was coming rear side of the Indica Car and the driver of Tempo was driving his vehicle in rash, negligent manner and endangering to human life and due to excessive speed, driver of tempo could not control over the steering of Tempo and dashed to the rear side of Indica Car and thereby, the accident occurred as averred in the claim petition. It is stated that in the accident, Hirenbhai had sustained fatal injuries who succumbed due to the fatal injuries, children of Hirenbhai have also sustained serious injuries and consequently Harsh also succumbed due to the fatal injuries in the vehicular accident.

It is further stated that at the time of accident, the petitioner was healthy person and he was earning Rs.10,000 to 12,000/- per month by doing job as contractor. But, on account of the said accident, petitioner was admitted in the Hospital and nailing/plating and surgery/operation was performed and thereby, the petitioner has sustained permanent disablement and he is unable to do work as he was doing before the accident and hence, the petitioner has preferred the present claim petition U/s 166 of the M.V. Act against the opponents as to get the compensation. It is further stated the Chandreshbhai and his minor children have also sustained injuries all over parts of their body. For the said accident, FIR was lodged at Valsad Rural Police Station.

6. Upon service of notice, the opponent No.1-the owner of the Tempo appeared through his advocate and filed reply in all six

MACPs vide Exh.20, Exh.19, Exh.21, Exh.18, Exh.21 and Exh.15 respectively and thereby denied all the statements, averments and allegations leveled in the claim petition. It is mainly contended that driver of the tempo(Chhota Hathi) was driving his vehicle on Mumbai – Ahmedabad Highway road in moderate speed, careful manner and on the correct side of the road and while he was passing in the jurisdiction of Valsad Rural Police station in sim of Gudlav, at that time, the driver of Indica Car was coming just behind the Tempo vehicle in rash and negligent manner and in excessive speed and by passing deeper light and by overtaking the Tempo, driver of Indica Car has stopped his Car by applying sudden break just ahead of the Tempo and thereby, the vehicular accident occurred and for the said incident, driver of Tempo has filed complaint against the driver of Indica Car therefore, the alleged accident occurred due to sole negligence on the part of the driver of Indica Car and hence, the claim petitions against the opponent No.1 is liable to be dismissed. It is further contended that if the Hon'ble Tribunal comes to the conclusion that to some extent negligence on the part of the driver of the Tempo, in the circumstance, the Tempo was insured with opponent No.2 and the insurance policy was in existence at the time of accident, hence, the opponent No.2 is liable to pay compensation, if any, to the petitioners/legal representatives.

7. Upon service of notice, the opponent No.2-insurance company of the Tempo appeared through its advocate and filed reply in all six MACPs vide Exh.22, Exh.21, Exh.23, Exh.20, Exh.22

and Exh.24 respectively and thereby denied all the statements, averments and allegations leveled in the claim petition. It is contended that the accident occurred due to sole negligence on the part of the driver-cum-owner of Indica Car as the driver of Indica Car has breached the RTO rules and hence, the claim petitions against the opponent No.2 is liable to be dismissed. It is mainly contended that at the time of accident, the driver of the tempo was having only for 3WNT, LMV, MCWC(NT) and there is no endorsement of TVA so, it shows that the driver of the tempo(Chhota Hathi) was not having valid and effective driving licence to drive the goods/transport vehicle at the time of accident and hence, there is clear breach of the terms & conditions of the insurance policy and hence, insurance company is not liable to indemnify to the owner and opponent No.2-insurance company is not liable to pay any compensation to the petitioners. The Opponent No.2-Insurance Company has challenged the time, date and place of the accident as well as challenged the age, income and injury of the petitioners and ultimately, prayed to dismiss the present claim petition.

<u>MACP No.466/2012, 470/2012 & 635/2012</u>

8. The notice was duly served upon the opponent No.3-owner-cum-driver of the Indica Car but opponent No.3 has failed to appear before the tribunal to contest the claim petition, hence, his right to file W.S./reply has been closed vide order dated 31.01.2017.

9. To prove their case, Petitioners have lead oral and documentary evidence in the following manner:-

ORAL EVIDENCE

Sr. No.	Particulars of Oral Evidence	Exh.
1.	Affidavit of Examination–in–chief and Cross examination of legal guardian of minor Petitioner .**[In MACP No.464/2012]**	26
2.	Affidavit of Examination–in–chief and Cross examination of legal guardian of minor Petitioner .**[In MACP No.465/2012]**	25
3.	Affidavit of Examination–in–chief and Cross examination of legal guardian of minor Petitioner .**[In MACP No.466/2012]**	28
4.	Affidavit of Examination–in–chief and Cross examination of legal guardian of minor Petitioner .**[In MACP No.470/2012]**	25
5.	Affidavit of Examination–in–chief and Cross examination of Petitioner No.1**[In MACP No.635/2012]**	29
6.	Deposition alongwith Cross examination of Witness-Rendril Robort Willium**[In MACP No.635/2012]**	36
7.	Affidavit of Examination–in–chief and Cross examination of Petitioner**[In MACP No.716/2012]**	20

DOCUMENTARY EVIDENCES

[MACP Nos.464/2012]

Sr. No.	Particulars of Documents	Exh./ Mark
1.	Injury certificate of the petitioner.	34
2.	First consultation letter issued from Adinath Hospital for the petitioner.	35
3.	Operation notes issued from Adinath Hospital for the petitioner.	36
4.	Medical Certificate of the petitioner issued from Adinath Hospital.	37
5.	Discharge card issued from Adinath Hospital for the petitioner.	38

6.	Disability certificate of the petitioner.	39
7.	Medical bills of Rs.13,623/-	25/7 to 25/11

[MACP Nos.465/2012]

Sr. No.	**Particulars of Documents**	**Exh./ Mark**
1.	Injury certificate of the petitioner.	27
2.	Discharge Card issued from Kasturba Vaidyakiya Rahat for the petitioner.	28
3.	Medical Case papers of Nirmal Hospital for the petitioner.	29 & 30
4.	Disability certificate of the petitioner.	35

[MACP Nos.466/2012]

Sr. No.	**Particulars of Documents**	**Exh./ Mark**
1.	Copy of R.C. Book of Tempo No.GJ-5-AU-3265.	35
2.	Copy of insurance policy of Tempo No.GJ-5-AU-3265.	36
3.	Injury certificate of the petitioner.	31
4.	Disability certificate of the petitioner.	37

[MACP No.470/2012]

Sr. No.	**Particulars of Documents**	**Exh./ Mark**
1.	Copy discharge card issued from Nirmal Hospital for the deceased-Harsh.	32
2.	Copy of x-ray report of the deceased.	33 & 34
3.	CT Scan of brain of the deceased.	35
4.	MRI report of the deceased.	36
5.	Medical treatment note/treatment details of deceased at Nirmal Hospital.	37
6.	Certified copy of death certificate of deceased.	38

[MACP No.635/2012]

Sr. No.	**Particulars of Documents**	**Exh./ Mark**
1.	Copy driving license of deceased-Hiren.	45
2.	Copy of ID card of the deceased issued from Cadila pharmaceuticals Comp.	46
3.	Salary slip of the deceased for the month of June-2009.	47
4.	Salary slip of the deceased for the month of April-2011.	47
5.	Submission of employment record of deceased-Hirenbhai.	37/A
6.	Salary slip of the deceased for the month of January-2011.	38
7.	Copy of computer generated employment details of the deceased-Hirenbhai.	39
8.	Certified copy of complaint.	51
2.	Certified copy of Panchnama of Place of Accident.	52
3.	Certified copy of inquest panchnama of deceased.	53
4.	Postmortem report of the deceased.	54

[MACP No.716/2012]

Sr. No.	**Particulars of Documents**	**Exh./ Mark**
1.	Copy of injury certificate of the petitioner.	28
2.	Copy of operation note for the petitioner.	29
3.	Copy of discharge card of the petitioner.	30
4.	Disability certificate of the petitioner.	31

10. The following issues pertaining to Section 163-A of the M.V. Act as regards the schedule-II of the Act are framed for injury of minor person in MACP No.464/2012, MACP No.465/2012, MACP No.466/212 and issues are framed for fatal of minor person in MACP No.470/2012. The issues are framed U/s 166 of MV Act for fatal case of major person in MACP

No.635/2012 and for injury case of major persion in MACP no.716/2012, for the final conclusion of the present claim petition. The issues in MACP No.2139/2008 and 2140/2008 are pertaining to fatal case and the issues are as under;

ISSUES in MACP No.464/2012, 465/2012 and 466/2012

1. Whether the claimant proves that petitioner sustained injuries due to accident arising out of use of motor vehicle ?
2. Whether the claimant is entitled to get compensation under the IInd Schedule of Motor Vehicle Act, 1988 ? If yes, what amount and from whom ?
3. What order and award ?

ISSUES in MACP No.470/2012

ISSUES

1. Whether the applicants/petitioners prove that the deceased died due to accident arising out of use of motor vehicle ?
2. Whether the claimant is entitled to get compensation under the IInd Schedule of Motor Vehicle Act, 1988 ? If yes, what amount and from whom ?
3. What order and award ?

ISSUES in MACP No.635/2012

1. Whether the petitioner proves that deceased died due to sustained injuries because of the rash and negligent

driving of the driver of the vehicle involved in the accident?

2. Whether the petitioner is entitled to the compensation as prayed for or any part thereof from the opponents or any of them?

3. What order and decree?

ISSUES in MACP No.716/2012

ISSUES

1. Whether the applicant proves that the he has sustained injuries due to rash and negligent driving of the driver/drivers of the vehicle/vehicles involved in this accidetn?
2. Whether the applicant is entitled for compensation? If yes, what amount and from whom?
3. What order and award ?

11. The findings of this Tribunal on the aforesaid issues in all six petitions are as under:

    1. In affirmative.
    2. In affirmative, as per final award.
    3. As per Final order and Award.

12. The findings of this Tribunal on the aforesaid issues in all six petitions are as under:

    1. In affirmative.

2. In affirmative, as per final award.

3. As per Final order and Award.

-:- REASONS -:-

Issues No.1 & 2:

13. As the Issues No.1 & 2 are interconnected, reasons for both issues are discussed herein together for the sake of brevity and to avoid repetition.

14. Learned advocate Mr. D.R. Chauhan appeared on behalf of the petitioners in all the MACPs and filed common written submissions vide Exh.44 to 50. Ld. Advocate for the petitioners has reiterated the contents of the claim petition and written arguments and further submitted that the present claim petitions being MACP No.464/2012, 465/2012, 466/2012 and 470/2012 have been filed U/s 163-A of the M.V. Act whereas, MACP No.635/2012 and MACP No.716/2012 have been filed U/s 166 of the M.V. Act and further submitted that in the present case, with the aid of police officials, driver of tempo created a concocted story and filed the complaint against the opponent No.3 and shown him the sole negligent but the tempo driver has dashed to the rear side of the Car and accident occurred and therefore, the accident occurred due to sole negligence on the part of the driver of the tempo therefore, both the opponent No.1 & 2 are liable to pay the compensation to the respective petitioners.

15. Learned advocate on behalf of the opponent-insurance company of the vehicle and vehemently argued the matter. As per

submissions of parties the MACP No.387/2017 with 388/2017, 289/2017, 390/2017 & 391/2017 have been filed by the injured petitioners and/or legal representatives of the deceased arising out of same vehicular accident and all those MACPs have been decided by the Hon’ble Motor Accident Claims Tribunal(main), Surat vide its order dated 06.03.2026 wherein, the Hon’ble Tribunal has held the composite negligence of the drivers of the vehicles involved in the accident and therefore, res-judicata is applicable.

16. Heard the Ld. Advocates for both the sides. This tribunal has also gone through all the pleadings, oral and documentary evidence adduced on record by both the parties.

17. To substantiate claim petition, the legal guardian of minor Petitioner-Bhavya namely Chandreshbhai Gatorbhai Solanki has submitted evidence (examination-in-chief) affidavit at Exh.26 wherein, Chandreshbhai Gatorbhai Solanki has deposed the same facts as averred in the claim petition and therefore, as to avoid the repetition, the same have not been reproduced herein. During the course of cross-examination nothing adverse record came out.

18. So far as MACPs No.464/2012, petition is filed U/s 163A of the M.V. Act so far the provision of Sec.163-A of the M.V. Act is concerned, the same is based upon the principle of *'No Fault Liability.'* The only requirement for the fulfillment of the provision of Section 163-A is the proof of involvement of the offending vehicle. Once the involvement of the vehicle, age and income of the victim are proved by the applicants, the Tribunal

will have to decide the quantum of compensation as per the structured formula stated in the Second Schedule to Section 163-A of the M.V. Act. Sub-sec.2 of Sec.163-A is very specific, which says that, *"in any claim for compensation under Sec.163-A the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person."* This suggests that while deciding an application U/s163-A of the M.V. Act, the Tribunal is not required to decide the negligence of any person. It provides for payment of compensation on structured formula basis being special provisions. The relevant provisions reads as under :-

"Section 163-A :

(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 of the authorized insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle, compensation, as indicated in the Second Schedule, to the legal heirs or the victim, as the case may be.

Explanation. x x x x

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person.

(3) x x x x"

19. It is cardinal principle of law that while deciding application under Section-163A of the Act, Tribunal has not required to calculate amount of compensation by applying multiplier, but

only required to compute amount of compensation on the basis of 'IInd Schedule of the Act'. Above referred proposition is laid down by Hon'ble Supreme Court in the case of ***National Company Ltd. Versus Gurumallamma,*** reported in ***AIR 2009 SCW 7434.*** Even in the case of ***Sarla Verma v/s Delhi Transport Corporation, reported in Air 2009 SC 3104***, it has been held in para No.17 it has been held as under

> *"17.... Therefore, where the application is under section 163-A of the Act, it is possible to calculate the compensation on the structured formula basis, even where compensation is not specified with reference to the annual income of the deceased, or is more than Rs. 40,000/- by applying the formula : (2/3 x A1 x M), that is two-thirds of the annual income multiplied by the multiplier applicable to the age of the deceased would be the compensation. Several principles of tortious liability are excluded when the claim is under section 163-A of MV Act... "*

20. From the above referred ratio, laid down by Hon'ble Apex Court, it becomes amply clear that Tribunal is not required to make calculation of compensation on the basis of application of multiplier. But Tribunal is only required to grant compensation as per Schedule-II of the Motor Vehicle Act, taking into considering the age and income of the deceased.

21. Hence present petitions are maintainable without ascertaining as to whether the petitioner himself was negligent for causing the alleged accident. From the complaint, FIR, Panchnama and charge-sheet against the driver of tractor attached with its trolley, it has come on record that the alleged accident occurred due to involvement of the vehicle driven by Opponent no.1 and petitioner sustained injuries.

22. In earlier claim petition pertaining to same accident, the Hon'ble Motor Accident Claims Tribunal(main), Surat has

decided by order dt 06.03.2026 in MACP No.387/2017 with 388/2017, 289/2017, 390/2017 & 391/2017 as under,

"*it is established that both the vehicles were driven in a rash and negligent manner. Therefore, the applicants are entitled to receive compensation from all or any of the tortfeasors. Further, considering the context of the case, it is not necessary to determine the apportionment of negligence between the vehicles involved in the accident*".

It is further decided regards to the liability that

"*Considering the ratio laid down in the above referred Judgments, this Tribunal is of the opinion that the ends of justice would be served if it is held that opponent – Insurance Company is exonerated from its liability; however, be directed to satisfy the award first and recover the same from the insured. Accordingly, except Insurance Company, all the opponents are jointly and severally liable to compensate the applicants. Further, as mentioned above, the opponent No. 4 - Insurance Company, though exonerated from its liability, is directed to first make the payment of the award and then can recover the same from insured in accordance with law*."

23. Hon'ble the Privy Council in its decision rendered in the case of **Syed Mohamamd Saadat Ali Khan v. Mirza Wiquar Ali Beg**, reported in AIR(30) 1943 PC 115 has observed as under:

"In order that a decision should operate as res judicata between co-defendants, three conditions must exist:(1) There must be a conflict of interest between those co defendants, (2) it must be necessary to decide the conflict in order to give the plaintiff the relief he claims, and (3) the question between the codefendants must have been finally decided."

And the said principle has also been followed by Hon'ble Gujarat High Court in the case of **United India Insurance Com. ltd. v/s. Laljibhai Hamirbhai**, reported in 2007 (1) GLR 633.

24. Relying upon the ratio laid down by Hon’ble Privy council and Hon’ble High Court of Gujarat, this tribunal is of the view that order of Hon’ble tribunal in MACP No.387/2017 with 388/2017, 289/2017, 390/2017 & 391/2017 has attained finality as period of 90 days has already been expired and no submission is made by any party in present case record, as to whether appeal has been preferred by any of the parties to challenge the order of Hon’ble Tribunal, hence, would operate as res-judicata upon the parties to the present petition also.

25. Looking to the decision of Hon'ble MAC Tribunal at Surat in case of MACP No.387/2017 with 388/2017, 289/2017, 390/2017 & 391/2017, the Tribunal has in para 31 of the judgment held that "it is established that both the vehicles were driven in a rash and negligent manner and therefore, applicants are entitled to receive compensation from all or any tortfeasors. Further, considering the context of the case, it is not necessary to determine the apportionment of the vehicles involved in the accident." In view of the said already made decision, both the vehicles were driven in rash and negligent manner. Looking to the facts of present case, the complaint and panchnama clearly

show that the Indica Car driver was overtaking and on going ahead the Indica Car driver suddenly applied break and the Chhota Hathi driver lost control over the vehicle and dashed on the backside of the Indica Car. Hence, both the vehicles were driven in equally 50-50% rash and negligent manner and is decided accordingly.

26. But so far as the liability in the present claim petition is concerned, in those MACPs petitions, the claimants were the unauthorized/gratuitous passenger of the Tempo and herein these claim petitions, the claimants/petitioners/legal representative of the deceased are the passenger of the Car and as per the insurance policy of tempo produced by the petitioner in MACP no. 466/2012 at Exh.36, the insurance policy was existence at the time of accident. As it has already been decided the composite negligence and the applicants are entitled to receive compensation from all or any of the tort-feasors. Hence, this tribunal holds that opponent No.1 & 2 are jointly and severally liable to pay the compensation to the petitioners.

COMPENSATION(In MACP No.464/2012)

Disability.

27. Now so far as the MACP No.464/2012 is concerned, the minor petitioner had sustained serious injuries resulting permanent disablement due to accident is concerned, petitioner has produced **Disability Certificate** vide Exh.39 issued by Dr. N.M. Shah, M.B., M.S.(Ortho), in support of his version that petitioner has sustained 12% disability body as a whole. Perusing Exh.39, **disability certificate,** it appears that the

petitioner had suffered 12% disability of the body as whole due to injuries sustained in vehicular accident. Opponent has not taken any objection to consider 12% permanent disability body as a whole of the petitioner therefore, considering the nature of injuries caused to minor petitioner, it would be just and proper to consider 12% permanent disability of body as a whole to petitioner in the alleged accident.

AGE:

28. Now, so far as the age of the petitioner is concerned, the legal guardian of the minor petitioner has stated in his examination-in-chief affidavit at Exh.26 that at the time of accident, his son was minor about 9 years old and during the pendency of the present claim petition, minor petitoner-Bhavya has filed pursis Exh.30 for amendment in the application as he turned into major and in support of his averments, he has produced school leaving certificate and Aadhar Card where date of birth is mentioned as 12.12.2004. Considering the documents produced on record, there is no dispute that petitioner was minor at the time of accident. Now so far as to calculate the Loss Income, proper multiplier is required to be applied considering the age of the petitioner. This Tribunal is also inclined to take into consideration the Judgment of the Hon'ble Supreme court in the case of **Sarla Verma Vs. Delhi Transport Corp. 2009 ACJ 1298 and the Schedule-II of the M.V. Act,** in which, the Hon'ble Supreme Court has restructured the multiplier column of Schedule - II and considering the age of the petitioner, to which other side has not objected. Hence as per Second

Schedule of Section 163A of M.V. Act**,** multiplier of 15 must be applied which is provided for the age group upto 15 years, thus the Petitioner is entitled for **Multiplier of 15** for the calculation of Future loss of income.

Loss of Income:

29. In the present case, the petitioner was minor at the time of accident, hence, as per Second Schedule of Section 163A of M.V. Act, the income for non-earning persons is Rs.15,000/- per annum and therefore, this tribunal assesses **Rs.15,000/-** p.a. as the income of the petitioner and it would not be exaggerated in view of this tribunal.

Calculation of loss of Income

30. Permanent Disability consented by both the parties is 12% body as a whole for assessing and 15 multiplier would apply for the future loss of income to the petitioner. Hence, the future loss of income would be as under:-

$$\text{Annual income} \times \frac{\text{Disability}}{100} \times \text{Multiplier} = \text{Loss of income}$$

$$\text{Rs } 15000 \times \frac{12}{100} \times 15 = \mathbf{27{,}000/-}$$

Medical Expenses

31. As per the version of the legal guardian of the minor petitioner in his examination-in-chief, minor petitioner had taken medical treatment for his injury and produced the medical bills of Rs.13,623/- vide Mark 25/7 to 25/11 respectively. Therefore, looking to nature of injuries sustained by the minor petitioner and total medical bills of Rs.13,623/-, it is just and proper to

award amount of Rs.13,623/-, rounded figure **Rs.13,700/-** towards medical expenses.

<u>Pain and Suffering:</u>

32. As discussed hereinabove, the petitioner sustained serious fracture injuries injuries on his Lt. Proximal tibia and also sustained other injuries on various part of his body. In support thereof, the petitioner has produced Medical Certificate at Exh.37. Now so far as the Pain & Sufferings are concerned, the present claim petition is under the provisions of Sec. 163-A of the Act and Sec. 163-A-4[i] provides Pain and Sufferings, wherein 163-A 4 [i] [a] Grievous Injuries - Rs. 5000/- and [b] Non - Grievous Injuries - Rs. 1000/-. In the present case, the petitioner sustained grievous fracture injuries and he has 10% permanent disablement and thus, in view of the above fact, this tribunal awards **Rs.5000/- under the head of pain & sufferings.**

33. Therefore the petitioner is entitled to get following amounts by way of compensation.

Loss of Income	:	**Rs.27,000/-**
Medical Expenses	:	**Rs.13,700/-**
Pain & suffering	:	**Rs.05,000/-**
Total Compensation	:	**Rs.45,700/-**

Thus, in view of the above discussion, the in MACP No.464/2012, Petitioner is entitled to get a sum of **Rs.45,700/- (Rupees Fourty Five Thousand Seven Hundred only)** as total compensation.

<u>COMPENSATION.(In MACP No.465/2012)</u>

<u>Disability.</u>

34. Now so far as the MACP No.465/2012 is concerned, the minor petitioner had sustained serious injuries resulting permanent disablement due to accident is concerned, petitioner has produced **Disability Certificate** vide Exh.35 issued by Dr. N.M. Shah, M.B., M.S.(Ortho), in support of his version that petitioner has sustained 12% disability body as a whole. Perusing Exh.35, **disability certificate,** it appears that the petitioner had suffered 12% disability of the body as whole due to injuries sustained in vehicular accident. Opponent has not taken any objection to consider 12% permanent disability body as a whole of the petitioner therefore, considering the nature of injuries caused to minor petitioner, it would be just and proper to consider 12% permanent disability of body as a whole to petitioner in the alleged accident.

<u>AGE:</u>

35. Now, so far as the age of the petitioner is concerned, the legal guardian of the minor petitioner has stated in his examination-in-chief affidavit at Exh.25 that at the time of accident, his son was minor about 7 years old and during the pendency of the present claim petition, minor petitoner-Jaydev has filed pursis Exh.31 for amendment in the application as he turned into major and in support of his averments, he has produced school leaving certificate and Adhar Card where date of birth is

mentioned as 09.03.2002. Considering the documents produced on record, there is no dispute that petitioner was minor at the time of accident. Now so far as to calculate the Loss Income, proper multiplier is required to be applied considering the age of the petitioner. This Tribunal is also inclined to take into consideration the Judgment of the Hon'ble Supreme court in the case of **Sarla Verma Vs. Delhi Transport Corp. 2009 ACJ 1298 and the Schedule-II of the M.V. Act,** in which, the Hon'ble Supreme Court has restructured the multiplier column of Schedule - II and considering the age of the petitioner, to which other side has not objected. Hence as per Second Schedule of Section 163A of M.V. Act**,** multiplier of 15 must be applied which is provided for the age group upto 15 years, thus the Petitioner is entitled for **Multiplier of 15** for the calculation of Future loss of income.

<u>Loss of Income:</u>

36. In the present case, the petitioner was minor at the time of accident, hence, as per Second Schedule of Section 163A of M.V. Act, the income for non-earning persons is Rs.15,000/- per annum and therefore, this tribunal assesses **Rs.15,000/-** p.a. as the income of the petitioner and it would not be exaggerated in view of this tribunal.

<u>Calculation of loss of Income</u>

37. Permanent Disability consented by both the parties is 12% body as a whole for assessing and 15 multiplier would apply for the future loss of income to the petitioner. Hence, the future loss of income would be as under:-

$$\text{Annual income} \times \frac{\text{Disability}}{100} \times \text{Multiplier} = \text{Loss of income}$$

$$\text{Rs } 15000 \times \frac{12}{100} \times 15 = \mathbf{27,000/-}$$

Medical Expenses

38. As per the version of the legal guardian of the minor petitioner in his examination-in-chief, minor petitioner had taken medical treatment for his injury and spent the amount for the medical treatment but he has not produced any medical bills in support of his version. But looking to nature of injuries sustained by the minor petitioner, it is just and proper to award amount of Rs.5,000/- towards medical expenses.

Pain and Suffering:

39. As discussed hereinabove, the petitioner sustained serious fracture injuries injuries on his lt. Proximal tibia and also sustained other injuries on various part of his body. In support thereof, the petitioner has produced Medical Certificate at Exh.37. Now so far as the Pain & Sufferings are concerned, the present claim petition is under the provisions of Sec. 163-A of the Act and Sec. 163-A-4[i] provides Pain and Sufferings, wherein 163-A 4 [i] [a] Grievous Injuries - Rs. 5000/- and [b] Non - Grievous Injuries - Rs. 1000/-. In the present case, the petitioner sustained grievous fracture injuries and he has 10% permanent disablement and thus, in view of the above fact, this tribunal awards **Rs.5000/- under the head of pain & sufferings.**

40. Therefore the petitioner is entitled to get following amounts by

way of compensation.

Loss of Income	:	**Rs.27,000/-**
Medical Expenses	:	**Rs.05,000/-**
Pain & suffering	:	**Rs.05,000/-**
Total Compensation	:	**Rs.37,000/-**

Thus, in view of the above discussion, the in MACP No.465/2012, Petitioner is entitled to get a sum of **Rs.37,000/- (Rupees Thirty Seven Thousand only)** as total compensation.

COMPENSATION.(In MACP No.466/2012)

Disability.

41. Now so far as the MACP No.466/2012 is concerned, the minor petitioner had sustained serious injuries resulting permanent disablement due to accident is concerned, petitioner has produced **Disability Certificate** vide Exh.37 issued by Dr. N.M. Shah, M.B., M.S.(Ortho), in support of his version that petitioner has sustained 7% disability body as a whole. Perusing Exh.37, **disability certificate,** it appears that the petitioner had suffered 7% disability of the body as whole due to injuries sustained in vehicular accident. Opponent has not taken any objection to consider 7% permanent disability body as a whole of the petitioner therefore, considering the nature of injuries caused to minor petitioner, it would be just and proper to consider 7% permanent disability of body as a whole to petitioner in the alleged accident.

AGE:

42. Now, so far as the age of the petitioner is concerned, the legal guardian of the minor petitioner has stated in her examination-in-chief affidavit at Exh.28 that at the time of accident, her daughter was minor about 11 years old and during the pendency of the present claim petition, minor petitoner-Zeel has filed pursis Exh.32 for amendment in the application as she turned into major and in support of her averments, she has produced school leaving certificate and Adhar Card where date of birth is mentioned as 23.10.1999. Considering the documents produced on record, there is no dispute that petitioner was minor at the time of accident. Now so far as to calculate the Loss Income, proper multiplier is required to be applied considering the age of the petitioner. This Tribunal is also inclined to take into consideration the Judgment of the Hon'ble Supreme court in the case of **Sarla Verma Vs. Delhi Transport Corp. 2009 ACJ 1298 and the Schedule-II of the M.V. Act,** in which, the Hon'ble Supreme Court has restructured the multiplier column of Schedule - II and considering the age of the petitioner, to which other side has not objected. Hence as per Second Schedule of Section 163A of M.V. Act**,** multiplier of 15 must be applied which is provided for the age group upto 15 years, thus the Petitioner is entitled for **Multiplier of 15** for the calculation of Future loss of income.

Loss of Income:

43. In the present case, the petitioner was minor at the time of accident, hence, as per Second Schedule of Section 163A of

M.V. Act, the income for non-earning persons is Rs.15,000/- per annum and therefore, this tribunal assesses **Rs.15,000/-** p.a. as the income of the petitioner and it would not be exaggerated in view of this tribunal.

Calculation of Future loss of Income

44. Permanent Disability consented by both the parties is 7% body as a whole for assessing and 15 multiplier would apply for the future loss of income to the petitioner. Hence, the future loss of income would be as under:-

$$\text{Annual income} \times \frac{\text{Disability}}{100} \times \text{Multiplier} = \text{Loss of income}$$

$$\text{Rs } 15000 \times \frac{7}{100} \times 15 = \mathbf{15{,}750/-}$$

Medical Expenses

45. As per the version of the petitioner in examination-in-chief, she has spent money for the medical treatment for her minor daughter injury but she has not produced any medical bills or medical treatment papers other than injury certificate. Therefore, looking to nature of injuries sustained by the minor petitioner, it is just and proper to award amount of Rs.5,000/-, rounded figure **Rs.5,000/-** towards medical expenses.

Pain and Suffering:

46. As discussed hereinabove, the petitioner sustained serious fracture injuries injuries on his lt. Proximal tibia and also sustained other injuries on various part of his body. In support thereof, the petitioner has produced Medical Certificate at Exh.37. Now so far as the Pain & Sufferings are concerned, the

present claim petition is under the provisions of Sec. 163-A of the Act and Sec. 163-A-4[i] provides Pain and Sufferings, wherein 163-A 4 [i] [a] Grievous Injuries - Rs. 5000/- and [b] Non - Grievous Injuries - Rs. 1000/-. In the present case, the petitioner sustained grievous fracture injuries and he has 10% permanent disablement and thus, in view of the above fact, this tribunal awards **Rs.5000/- under the head of pain & sufferings.**

47. Therefore the petitioner is entitled to get following amounts by way of compensation.

Loss of Income	:	**Rs.15,750/-**
Medical Expenses	:	**Rs.05,000/-**
Pain & suffering	:	**Rs.05,000/-**
Total Compensation	:	**Rs.25,750/-**

Thus, in view of the above discussion, the in MACP No.466/2012, Petitioner is entitled to get a sum of **Rs.25,750/- (Rupees Twenty Five Thousand Seven Hundred Fifty only)** as total compensation.

<u>COMPENSATION.(In MACP No.470/2012)</u>

48. Now so far as the MACP No.470/2012 is concerned, the petitioner No.1 has filed her examination-in-chief affidavit at Exh.25, wherein, she deposed that at the time of accident, the deceased was minor and very young age i.e. 9 years old and relied upon the medical case papers at Exh.32 to 37 and death certificate at Exh.38. Thus, it clearly proves on record that on

the day and date of accident, the deceased was minor. Now as per the second Schedule of M.V. Act, annual income for non earning person is to be considered as Rs.15,000/- per annum. As per the tabular proforma, compensation amount for a deceased below 15 years of age with notional income of Rs.15,000/- per annum. Now, $1/3^{rd}$ amount is required to be deducted towards maintaining himself had he been alive i.e. Rs.5,000/- and annual loss of dependency will come to Rs.10,000/- P.A. Thereafter, considering the age of deceased of 9 years, I think it just and proper to award multiplier of 15 and thus, applicants are entitled to Rs.1,50,000/- (Rs.10,000/- to 15) towards future loss of income. Moreover, applicants are awarded Rs.2,000/- towards loss of estate, Rs.2,500/- funeral expenses. Thus in all, applicants are entitled to get compensation of Rs.1,54,500/- under all heads. Thus, in view of the above discussion, the in MACP No.470/2012, Petitioners are entitled to get a sum of **Rs.1,54,500/-(Rupees One Lakh Fifty Four Thousand Five Hundred only)** as total compensation.

COMPENSATION (in MACP No.635/2012)

AGE

49. Now, so far as the age of the deceased is concerned, petitioner No.1 in the claim petition as well as in her examination-in-chief affidavit has stated that at the time of accident, the deceased was 37 years old and relied upon the driving licence of the deceased at Exh.45 and ID Card issued from Cadila Pharmaceutical at Exh.46. This tribunal has gone through the above evidence of the petitioner no.1 on record and this tribunal has also perused

the record of the case and having gone through the record of the case, it clearly appears that the petitioners have produced driving licence at Exh.45 and ID Card issued from Cadila Pharmaceutical at Exh.46, wherein, date of birth of the deceased is mentioned as **23.09.1973**. Considering the same, it is justified to hold that on the day and date of accident i.e. on 28.10.2011. Therefore, considering the above facts on record, it appears that at the time of accident, the deceased was above 38 years and hence, tribunal holds that at the time of accident, the deceased was 38 years. Now so far as for the calculation of Loss of Dependency, it is required to be assessed proper multiplier considering the age of the deceased. Thus, in view of the above facts on record, in the judgment of **Sarla Verma and Others Vs. Delhi Transport Corporation and Another** reported as AIR 2009 (SC) 3014, the Hon'ble Supreme Court of India in para 42 held that; “42. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, **<u>M-15 for 36 to 40 years</u>**, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”

50. Here in the present case, the deceased was 38 years and therefore, it would be just and proper to apply **<u>15 Multipliers</u>**

for the calculation of loss of total dependency.

INCOME and FUTURE PROSPECTS.

51. Now, so far as the income of the deceased is concerned, Petitioner No.1 in her examination-in-chief affidavit Exh.29 has deposed that at the time of accident, the deceased was doing job in the Cadila Pharmaceutical Company in the Manufacturing department and he was getting salary Rs.16,600/- per month and in future her husband might have get Rs.35,000/- to Rs.40,000/- p.m. if he would have alive. Petitioner relied upon the Copy of ID Card of the deceased issued by the Cadila Pharmaceutical company at Exh.46, Salary slip for the month of June-2009 at Exh.47 and pay slip for the month of April-2011 at Exh.48. Petitioner No.1 has also relied upon the deposition of concerned witness/authorized person of the company namely Rendril Robert William at Exh.36. During the deposition, witness has referred the Salary slip of the deceased for the month of January-2011 at Exh.38 and employment record of the deceased at Exh.39 and further deposed that in the month of January-2011, the gross salary of the deceased was Rs.17,676/- and the annual salary of the deceased was Rs.1,95,628/- and he was entitled for the increment as per rules. No material rebuttal is done in the cross-examination of said witness at exhibit 36. Thus, it would be just and reasonable to access the annual income of the deceased was Rs.1,95,628/-.

52. It is not disputed that deceased was 38 years old and was earning through doing his job and was providing livelihood to his family (petitioners) at the time of the alleged accident. So,

considering age and occupation of the deceased at the time of accident, this Tribunal holds that deceased was earning Rs.16,370/- per month at the relevant time. The deceased was aged about 38 years old and he was self employed and thus, considering the age of the deceased, in light of the recent Judgment of the Hon'ble Apex Court pronounced in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and others** in Special Leave Petition [Civil] No. 25590 of 2014 and this Tribunal has thoroughly gone through the above Judgment of the Hon'ble Apex Court and this Judgment pronounced by the Larger Bench of the Hon'ble Apex Court, wherein the Hon'ble Apex Court has specifically observed that "in case of deceased was self employed or on a fixed Salary, **<u>an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 Years</u>**. It is further observed by the Hon'ble Supreme Court that an Addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component". Here, in the present case, it is proved on record that on the day and date of the accident, the deceased was 38 years old and this tribunal assessed **Rs.1,95,628/-** per annum as the Income of the deceased and as observed by the Hon'ble Supreme Court in the above latest Judgment, **40%** prospective income of the deceased is required to be considered and accordingly, it is required to be calculated. As discussed above this tribunal has assessed **Rs.1,95,628/-** as annual income of the deceased and thus, in view of the above facts, the prospective income to the tune of **40% would come to Rs.78,252/-** [**Rs.1,95,628 X 40%=Rs.78,252/- then, it would be Rs.2,73,880/-**]. Thus, after considering the above prospective income of the deceased, the annual income of the deceased would come to **Rs.2,73,880/-** .

<u>Future Dependency and calculation of total loss of Dependency.</u>

53. In the present case, the petitioner No.1 is the wife of deceased and petitioner No.2 is the daughter of the deceased, petitioner No.3 & 4 are the parents of the deceased. As per record, it transpires that the deceased was married and left behind his four dependents/legal heirs. Thus in view of the facts and circumstances of the present case, 1/4th share as expenditure for personal expenses of the deceased is required to be deducted from the assessed income of the deceased in light of the judgment of the Hon'ble Supreme Court reported in 2009-Supreme-3-487, 2009 - ALD [SC]-3-83, 2009 [TLS] in the case of Sarla Verma Vs. Delhi Transport Corporation has held as under that:-"where the deceased was married, the deduction towards personal and living expenses of the deceased should be one-third [1/3rd] where the number of dependent family members is 2 to 3, **<u>one-fourth [1/4th] where the number of dependent family members is 4 to 6</u>**, and one-fifth [1/5th] where the number of dependent family members exceed six".

54. Thus, calculation of total loss of Dependency of the deceased after deductions for personal expenses and applying the multiplier would be as under:

Annual income of deceased	**Rs.2,73,880/-**
1/4th from the Annual income is required to be deducted	**2,73,880**/-×1/4 =68,470/-
Thus, after deducting 1/4 from the income of the deceased-Annual income would come to	**2,73,880** – 68,470 =2,05,410/-
Applying Multiplier of 15	Rs.2,05,410/-×15 =30,81,150/-
Total Loss of dependency	**Rs.30,81,150/-.**

LOSS OF ESTATE, LOSS OF CONSORTIUM AND FUNERAL EXPENSES:

55. Now, the above heads are concerned, in legal parlance, "consortium" is a compendious term which encompasses 'spousal consortium', 'parental consortium', and 'filial consortium'. The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation." **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training." **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child (minor child, unmarried son or daughter). An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest

agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

56. Hon'ble Supreme Court in the matter of **Pranay Sethi (Supra)** has held that "*Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs. 40,000/- and Rs.15,000/- respectively...*" The aforesaid amount should be enhanced at the rate of 10% after every three years".

57. Hon’ble Apex Court in **Magma General Insurance Company Limited versus Nanu Ram & Ors. (2018) 18 SCC 130** awarded the amount of Rs.40,000/ each to father and sister of the deceased for loss of Filial Consortium. Hon’ble Apex Court in United India Insurance Company Ltd. versus Satinder Kaur alias Satvinder Kaur and others, (2020) SCC Online 410, had reaffirmed the view of two-Judge Bench in Magma General insurance Company Ltd. And observed that The Motor Vehicles Act, 1988 is a beneficial legislation which has been framed with the object of providing relief to the victims, or their families and the consortium is not limited to spousal consortium only, it also includes parental consortium as well as filial consortium and awarded consortium to the widow and to three children left behind by the deceased @Rs.40,000/- each.

58. Here in the present case, it is an admitted fact that on the day and date of the accident, the deceased was married male and petitioner No.1 is widow, Petitioner No.2 is his daughter and petitioner Nos.3 & 4 are the parents of the deceased who lost

their shelter, support and affection due to sudden death of deceased in the alleged vehicular accident, hence, his family is entitled for the compensation under above mentioned conventional heads and in light of the judgment discussed herein above petitioners are entitled for total 10% enhancement on the conventional heads. Compensation for Conventional heads:-

Sr.No.	Particulars	Amount [Rs.]
1.	Loss of estate	**Rs.15,000/-**
2.	Loss of consortium to each petitioner No.1 & 2	**Rs.40,000 × 4 = Rs.1,60,000/-**
3.	Funeral Expenses	**Rs.15,000/-**
Total		**Rs.1,90,000 /-**

and after adding 10% the same, it would be Rs.2,09,000/- [Rs.1,90,000%10=19,000, 1,90,000+19,000=2,09,000/-]. Hence this tribunal awards total **Rs.2,09,000/-** for Loss of Estate, Loss of Consortium and Funeral expenses to the petitioners/claimants.

59. Thus, in view of the above discussions, the petitioners are entitled for the following amount of the compensation under the different heads.

Sr.No.	Particulars	Amount [Rs.]
1.	Loss of Dependency	**Rs.30,81,150/-**
2.	Loss of Estate, Consortium & Funeral Expense.	**Rs.02,09,000/-**
Total		**Rs.32,90,150/-**

60. Thus, in view of the above discussion, Petitioners are entitled to get a sum of **Rs.32,90,150/-(Rupees Thirty Two Lakh Ninety**

Thousand One Hundred Fifty only) as total compensation.

COMPENSATION(in MACP No.716/2012

Disability.

61. Now so far as sustaining serious injuries resulting permanent disablement due to accident is concerned, petitioner has produced Disability Certificate vide Exh.31 issued by Dr. N.M. Shah, M.B., M.S.(Ortho), in support of his version that petitioner has sustained 25.5% permanent disability body as a whole. Perusing Exh.31, disability certificate, it appears that the petitioner had suffered 25.5% physical disability of the body as whole due to injuries sustained in vehicular accident. Opponent has not taken any objection to consider 25.5% permanent disability body as a whole of the petitioner therefore, considering the nature of injuries caused to petitioner, it would be just and proper to consider 25.5% permanent disability of body as a whole to petitioner in the alleged accident.

AGE:

62. Now, so far as the age of the petitioner is concerned, the petitioner has not stated in his examination-in-chief affidavit at Exh.20 about his age. In the cross-examination, petitioner has admitted that he has not produced any documentary evidence with regard to prove his age. In the claim petition at Exh.1, the age of the petitioner is mentioned as 36 years. Now looking to the Discharge Card of the petitioner issued from Adinath Hospital, at Exh.30, the of Petitioner is shown as 36 years. Further on perusing the first consultation letter dated 29.10.2011

at Exh.28, the age of the petitioner is mentioned as 36 years thus considering the same, this tribunal comes to conclusion that at the time of accident i.e. on 28.10.2011, the Petitioner's age might was 36 years. The opponent has not brought any record which may against the age of the petitioner. Therefore, considering documents produced on record, this tribunal holds that at the time of accident, the petitioner was 36 years old. Now so far as to calculate the Future Loss Income, proper multiplier is required to be applied considering the age of the petitioner. Now, so far as the application of Multiplier is concerned, In **Smt Sarla Verma & Ors. – versus- Delhi Transport Corporation & Another, reported as AIR 2009 SC 3014**, the Hon’ble Supreme Court of India in para 42 held as “42. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, **M-15 for 36 to 40 years**, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.”, the Hon'ble Apex Court in Reshma Kumari and others Vs. Madan Mohan and another (Civil Appeal No. 4646 of 2009 and 4647 of 2009 decided on 2nd April, 2013 by the full bench), issued the directions in paragraph No. 40 of the judgment to follow the judgment of the Sarla Verma (supra). The Hon’ble Court further directed that the directions issued in this judgment shall also applicable to all pending petitions. Thus, in view above, since the age of the applicant was 36 years at the time of accident, **15** multipliers for the purpose of calculation of future loss of income be applied.

<u>Monthly Income:</u>

63. In the present case, the petitioner has stated in his examination-in-chief affidavit at Exh.20 that at the time of accident, he was earning Rs.8,000/- to Rs.10,000/- p.m. by doing work as labour contractor. The petitioner has been cross-examined by the Ld. advocate for the the opponent No.2-insurance company wherein, he has admitted that he has not produced any documentary evidence to prove his income. Thus, in the present matter, it is just and proper to consider the minimum wages for un-skilled persons at the relevant time as notional income of the Petitioner. At the time of the accident **Rs.4,580/-** p.m. was the minimum wages for the un-skilled person and the same is taken as notional income of the Petitioner and it would not be exaggerated in view of this tribunal.

<u>Calculation of Future loss of Income</u>

64. Permanent Disability consented by both the parties is **25.5%** body as a whole for assessing and **15** multiplier would apply for the future loss of income to the petitioner. Hence, the future loss of income would be as under:-

Annual income of the petitioner	**4,580**/-×12= Rs.54,960/-
Loss due to 25.5% disability	**25.5% of 54,960** = 14,014.8/-, rounded it,

	14,015/-
Loss of income of petitioner applying multiplier	**14,015×15 =2,10,225/-**

<u>Actual Loss of Income:</u>

65. According to petitioner, petitioner could not work for very long time due to the fracture injury. In the medical papers including first consultation letter dated 29.10.2011 at Exh.28 and discharge Card at Exh.30, petitioner was admitted in the hospital on dated 31.10.2011 and discharged from the hospital on dated 04.11.2011 after the medical treatment. Therefore, looking to the nature of injuries mentioned therein, it can fairly be concluded that the petitioner could not have worked for four months. Therefore, actual loss of income would be **Rs.18,320/- (4,580×4**). Hence, it is just & reasonable to award **Rs.18,320/- for actual loss of income.**

<u>Medical Expenses</u>

66. As per the version of the Petitioner in examination-in-chief, the petitioner has taken medical treatment for his injury but the petitioner has failed to produce any documentary evidence in this regard. Therefore, looking to nature of injuries sustained by the petitioner, it is just and proper to award amount of Rs.20,000/-, towards medical expenses and the same is not exaggerated in the view of this tribunal.

<u>Attendant, Special diet & transportation Expenses</u>

67. Though there is no supporting documentary evidence to show that the petitioner had taken service of attendant, spent on

transportation for treatment or has taken special diet to recover from the injuries sustained in the accident, yet looking to the facts and circumstances of the present matter, this tribunal is of the opinion that the petitioner must have incurred some expenses on the attendant, transportation and special diet in relation to the vehicular accident occurred on 26.01.2009. Therefore, it is just and reasonable to award **Rs.10,000/-** towards attendant, special diet and transportation expenses incurred by the Petitioner.

Non-pecuniary loss/Pain, Shock and Suffering:

68. Looking to injury sustained by the Petitioner, she might have undergone severe pain, shock and sufferings for considerable period, thus present Petitioner is entitled to get amount **Rs.10,000/- under the head of non-pecuniary loss i.e. pain, shock & sufferings.**

69. Therefore the petitioner is entitled to get following amounts by way of compensation.

Future Loss of Income	:	**Rs.2,10,225/-**
Actual Loss of Income	:	**Rs.18,320/-**
Medical Expenses	:	**Rs.20,000/-**
Attendant, Spl. diet & Transportation Exp	:	**Rs.10,000/-**
Pain, Shock & suffering	:	**Rs.10,000/-**
Total Compensation	:	**Rs.2,68,545/-**

Thus, in view of the above discussion, Petitioner is entitled to get a sum of **Rs.2,68,545/-(Rupees Two Lakh Sixty Eight Thousand Five Hundred Fourty Five only)** as total compensation.

Liability:

70. In the present case, as discussed hereinabove, the issue regarding negligence and liability of drivers/owners/insurers involved in the accident have already been decided by the Hon’ble Motor Accident Claims Tribunal(main), Surat vide its order dated 06.03.2026 in earlier claim petition pertaining to same accident in MACP No.387/2017 with 388/2017, 289/2017, 390/2017 & 391/2017, observing that the accident took place due to composite negligence of the drivers of both the vehicles involved in the accident and the applicants are entitled to receive compensation from all or any of the tortfeasors and the principle of res-judicata is applicable in present case. As discussed in para 25 above, both the vehicles were driven in equally 50-50% rash and negligent manner and liability is decided accordingly. The Learned Advocate for the petitioner has relied on the citation of the Hon'ble High Court of Gujarat regarding composite negligence and joint tort-feasors truck and jeep wherein, it is held by the Hon'ble High Court of Gujarat in 2022 ACJ 422, Chauhan Vikramsinh Nansinh & another Vs. Zala Arjunsinh Fatehsinh and others wherein, the Hon'ble High Court of Gujarat has held that the insurance company of truck directed to pay entire compensation and it would be open for it to recover the amount from owner of jeep to the extent of his liability.

71. Herein, the Ld. Advocate for Opponent No.2-insurance company has not taken such defence and on the contrary, the Ld. advocate for the opponent No.2-insurance company has strongly objected that the driver of the tempo was not having valid and effective driving license at the time of accident and the driver of the tempo has breached the insurance, therefore, insurance company is not liable to pay the same. But the opponent No.2-insurance company of the tempo has not produced any documentary evidence or not examined any person to prove that the driver of the tempo was not having valid and effective driving licence to drive the vehicle at the time of accident and as per the insurance policy of tempo produced by the petitioner in MACP No.466/2012, the insurance policy was existence at the time of accident. Hence, this tribunal holds that opponent No.1 & 2 be directed to pay entire compensation and it would be open for it to recover the amount from owner of indica car to the extent of his liability.

INTEREST ON AWARDED AMOUNT:

72. The records reveal that the accident occurred in the year 2011 and the claim petition was preferred in the year 2012. In **Abati Bezbaruah v. Dy. Director General, Geological Survey of India and Another [(2003) 3 SCC 148]**, the Hon'ble Supreme Court has held that "The rate of interest must be just and reasonable depending upon the facts and circumstances of each case and taking all relevant factors including inflation, change of economy, policy being adopted by Reserve Bank of India from time to time, how long the case is pending, permanent

injuries suffered by the victim, enormity of suffering loss of future income, loss of enjoyment of life etc., into consideration." Thus, having regards to the facts and circumstances of the case, in the light of the abovementioned judgments, it would be just and proper to award the simple interest at the rate of **9%p.a.** on the awarded amount of claim from the date of filing the petition till the date of payment of awarded amount.

TAX DEDUCTED AT SOURCE:

73. In **Hansaguri Prafulchandra Ladhani & Others Vs. Oriental Insurance Company Limited & Others** reported as 2007 ACJ 1897, the Division Bench of Hon'ble Gujarat High Court has laid down the guidelines regarding the Tax Deducted at Source. In this judgment, the Hon'ble High Court directed that if amount of interest calculated on the awarded amount does not exceeds Rs.50,000 per year per petitioner, then no TDS shall be deducted by the Insurance Company/ Respondents at the time of depositing the awarded amount along with interest in the Tribunal, therefore, in view of this Judgment, the Respondents/ Insurance company is hereby directed not to deduct the TDS if the amount of interest does not exceeds Rs.50,000 per year per petitioners.

74. For the aforesaid reasons, this tribunal has decided issue no.1 and issue no.2 accordingly and has decided the quantum of compensation, liability to pay the same accordingly. In view of the above discussion, while deciding issue no.3, the following final order is passed in the interest of justice.

:-FINAL ORDER-:

1) The Claim Petitions are hereby partly allowed against the Opponent No.1 & 2.

2) Petitioner of MACP No.464/2012 do recover **Rs.45,700/- (Rupees Fourty Five Thousand Seven Hundred only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

Petitioner of MACP No.465/2012 do recover **Rs.37,000/- (Rupees Thirty Seven Thousand only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

Petitioner of MACP No.466/2012 do recover **Rs.25,750/- (Rupees Twenty Five Thousand Seven Hundred Fifty only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

Petitioner of MACP No.470/2012 do recover **Rs.1,54,500/- (Rupees One Lakh Fifty Four Thousand Five Hundred only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

Petitioner of MACP No.635/2012 do recover **Rs.32,90,150/- (Rupees Thirty Two Lakh Ninety Thousand One Hundred Fifty only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

Petitioner of MACP No.716/2012 do recover **Rs.2,68,545/- (Rupees Two Lakh Sixty Eighty Thousand Five Hundred Fourty Five only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

3) The opponents No.1 & 2 be directed to pay entire compensation and it would be open for it to recover the amount from owner of Indica car to the extent of his liability after deducting the amount of interim compensation, if any, paid under section 140 of the Motor Vehicles Act, as directed in Circular No.08/2022 dated 01/02/2022, by way of Direct Bank Transfer to Bank Account of MACT Tribunal (Main) District Court, Ahmedabad (Rural), details of which are as follows:-

Bank Name-State Bank of India, Bhadra Branch Lal Darwaja-380001

Bank Account Name-PRINCIPAL DIST JUDGE ABAD RURAL MACP

Account No- 00000040722625356

IFS Code- SBIN0000301

Bank MICR Code- 380002002

PAYMENT ADVICE FOR REMITTANCE OF COMPENSATION
From:
______________________Bank_________________
To:
______________________Court_________________

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

4) On such deposits being made, the opponents shall submit a letter to the Registry of District Court, Ahmedabad (Rural) 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:-

1.	On realization of the amount, the entire amount, after deductions, be paid to the applicant through RTGS / NEFT after due verification.	
2.	On the file of (Claims Tribunal Name):	
3.	Name of the Petitioner's:	
4.	Date of award:	
5.	Compensation Amount :	
6.	Name of the bank who deposit the amount:	
7.	Income Tax Deduction at Source:	
8.	Income Tax Deduction at Source, if any Unique Transaction Reference(UTR) No.:	

5) On depositing of the above amount of award by the Respondents/opponents in this Tribunal, the deficit amount of Court Fee Stamp, if any, on the awarded amount be deducted first separately and thereafter

In MACP No. 464/2012, 465/2012, 466/2012 and 470/2012, the applicants were minors at the time of accident, but have attained age of majority during pendency of the claim, hence, in all claim petitions **60%** of the amount be deposited in the name of the respective Petitioners in any nationalized bank of the choice of the petitioner for the period of **5 years** through RTGS/NEFT and the remaining **40%** be paid to the Petitioner respectively through RTGS/NEFT on proper identification.

6) In view of the Judgment of the Hon'ble Gujarat High Court passed in the case of *The Oriental Insurance Co. Ltd. vs. Chief Commissioner of Income Tax, R/Special Civil Application No. 4800 of 2021, decided on 05/04/2022* the opponents shall deposit the full amount with this Tribunal and **shall not deduct tax on the interest** awarded herein above.

7) The Respondents shall bear their own costs of this petition.

8) Final Decree and Memo of cost be prepared accordingly.

Signed & Pronounced in the open Court on this 16th day of July, 2026.

Date :16/07/2026.
Place:Ahmedabad.

[Kruti Sanjay Trivedi]
Motor Accident Claims Tribunal(Auxi.)
Ahmedabad(Rural),
(UIC No.GJ00617)