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Duration	: -Y: -M: -D

EXH.

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**IN THE COURT OF 10TH ADDITIONAL DISTRICT JUDGE &
MAC TRIBUNAL (AUXL.) AHMEDABAD (RURAL).**

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MOTOR ACCIDENT CLAIM PETITION NO. 1224 OF 2015

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PETITIONER(S)/CLAIMANT(S) :

Legal heirs of Deceased Mathureshkumar Banvarilal Yadav

- 1) **Ushadevi Mathureshkumar Yadav**
Age : 48 Years, Occupation : Household,
- 2) **Sudhirkumar Mathureshkumar Yadav**
Age : 24 Years, Occupation : Service,
- 3) **Anujkumar Mathureshkumar Yadav**
Age : 22 Years, Occupation : Study,

All Residing at : Salpara, Near Shivalay Apartment,
Village Vejalpur, Taluka City, District Ahmedabad.

VERSUS

OPPONENTS :

- (1) **Bhaveshbhai Raghubhai Rabari**
Age : Adult, Occupation : Driving,
Resi. at : Rabarivas, Near S. T. Bus Stand,
Taluka Dholka, District Ahmedabad.
(Driver of Eicher bearing No.GJ-2-Z-8893)
- (2) **Mehulkumar Saileshkumar Patel**
Age : Adult, Occupation : Business,
Residing at : 3-145, Patel Vas, At Falu,
Taluka Vijapur, District Mahesana.
(Owner of Eicher bearing No.GJ-2-Z-8893)

- (3) **The Bajaj Allianz General Insurance Co. Ltd.**
 At : Turquoise Building,
 Near Panchvati Circle, C. G. Road,
 Ellisbridge, Ahmedabad.
(Insurer of Eicher bearing No.GJ-2-Z-8893)

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**Subject :- Claim Petition for Compensation of
 ₹20,00,000/- under section 166 of Motor
 Vehicles Act.**
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APPEARANCE :-

Mr. D. N. Vakil, Ld. Advocate for the Petitioners.
 The Opponent No.1 : party-in-person.
 Mr. M. A. Pathan for the Opponent No.2.
 Mr. M. P. Patel, Ld. Advocate for Opponent No.3.

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

[1.0] The present claim petition is filed by the petitioners under Section – 166 of the Motor Vehicles Act, 1988 for seeking compensation of ₹20,00,000/- from the opponents in their joint and several capacity on account of death of the deceased Mathureshkumar Banvarilal Yadav in the alleged vehicular accident, which was occurred on 01.07.2015.

[2.0] The brief facts of the present claim petition are as under :-

[2.1] On 01.07.2015, the deceased was present at his workplace. At around 08:15 pm, the opponent no.1 was reversing Eicher bearing registration no.GJ-2-Z-8893 (hereinafter referred to as “the offending vehicle”) owned by the opponent no.2 in rash and negligent manner and without following the traffic rules and dashed with the deceased. Due to which, the deceased fell down on the road and wheel of the offending vehicle ran over

from the head of the deceased, as a result of which, the deceased suffered fracture on his head along with other injuries on various body parts and during the course of treatment, he succumbed to the injuries. It has been averred that accident occurred purely on account of rash and negligent driving of the offending vehicle by the opponent no.1 and crime regarding the accident was registered against him in Adalaj Police Station vide I-C.R.No.75/2015.

[2.2] It has been averred that at the time of accident the deceased was 50 years old hale and healthy person without any disease. He was employed as a Security Guard, out of which, he was earning ₹8,000/- per month. It has been further averred that on account of injuries sustained in the motor-vehicular accident, the deceased was admitted in Civil Hospital, Gandhinagar, however, during the course of treatment, he succumbed to the injuries. Had he been alive, his salary would have risen up to ₹15,000/- per month. In these circumstances, the petitioners have suffered a loss of ₹20,00,000/- which included various heads on account of death, hospital expense, transportation charges, loss of consortium, loss of future prospects, loss of love and affection, funeral expense, etc.

[3.0] Upon service of summons, the opponent no.1 appeared in person. The opponent no.2 entered his appearance through his Ld. Advocate. Despite given sufficient opportunity, no reply was filed on behalf of the opponents no.1 and 2 and, as such, right to file reply of the opponents no.1 and 2 were ordered to be closed by the Ld. Predecessor Tribunal vide order passed below Exhibit:20.

[3.1] In pursuance of service of summons, the opponent no.3-insurance company put in its appearance through its Ld. Advocate and also submitted its written statement vide Exhibit:22 denying the averments of the claim petition in its entirety. While admitting the existence of insurance policy, it has been submitted that the driver of the offending vehicle was not holding valid and effective driving licence to drive the offending vehicle. It has been further submitted that the claimants may be put to strict proof qua permit valid and effective permit of the offending vehicle. It has been further averred that the claimants have not produced any cogent evidence qua age, income, injuries suffered by the deceased, which resulted in his death, etc. and they may be put to strict proof qua the same. With these submissions, it has been prayed to dismiss the present claim petition.

[4.0] Based on the available pleadings and documentary evidences on record my Ld. Predecessor Tribunal has framed following issues vide Exhibit:23 in claim petition to adjudicate the matter on merits :-

- 1) Whether the petitioners prove that the deceased died because of rash and negligent driving of the driver of the vehicle involved in the accident?
- 2) Whether the petitioners are entitled to compensation ? If yes, what amount ?
- 3) In case, if the finding of issue No.2 is in the affirmative, who is liable to pay the compensation?
- 4) What order and award ?

[5.0] My findings on the above issues are as under:-

- 1) In the Affirmative.
- 2) Partly in the affirmative, as per final order.
- 3) Partly in the affirmative, as per final order.
- 4) As per final order.

[6.0] In order to prove their case, the claimants have produced the following oral as well as documentary evidences:-

[A] -:: Oral Evidence ::-

Sr. No.	Particulars	Exhibit/ Mark
1	Examination in chief on affidavit and cross-examination of petitioner no.1.	31
2	Deposition of witness Rajnishkumar Nirbhaykumar Rana.	34

[B] -:: Documentary Evidence ::-

Sr. No.	Particulars	Exhibit/ Mark
1	Certificate issued by employer of the deceased pertaining to his salary.	35
2	Attendance Card and Salary Slip of the deceased for the Month of July, 2015.	36
3	Copy of complaint.	38
4	Copy of panchnama.	39
5	Copy of inquest panchnama.	40
5	Copy of postmortem report.	41

[7.0] On the other hand, the Opponent No.3-insurance company has brought on record copy of certificate of insurance policy of Eicher bearing registration no.GJ-02-Z-8893 vide Exhibit:44.

[8.0] The Ld. Advocate for the claimants as well as the

Ld. Advocate for the opponent no.3-insurance company have argued as per their pleadings and evidence. Besides addressing oral arguments, Ld. Advocate for the claimants has tendered written arguments vide Exhibit:46 and the Ld. Advocate for the opponent no.3-insurance company has tendered written arguments vide Exhibit:47.

[8.1] I have considered the arguments advanced by the learned Advocates for the parties and perused the oral as well as documentary evidence produced on record.

-:: REASONS ::-

[9.0] **ISSUE NO. 1 :- (NEGLIGENCE)**

[9.1] It is the case of the petitioners that the accident had happened due to sole negligence on the part of rash and negligent driving of the offending vehicle by the opponent no.1. In support of the claim petition, the claimant no.1 – Ushadevi Mathureshkumar Yadav, wife of the deceased has tendered affidavit in chief-examination at Exhibit:31 reiterating the averments of the claim petition. In her cross-examination, she admitted that she has not seen the accident. She admitted that facts narrated in the claim petition as well as examination-in-chief affidavit are learnt by her through some other person. She admitted that accident took place inside Mother Dairy. She admitted that at the time of accident, she was at her home. She admitted that after accident, when she saw her husband, he was dead. She admitted that she has not produced any evidence with regard to age of her husband. She deposed that she has two sons and one daughter, out of whom, both sons have attained the age of majority and her daughter is at her in-laws home. She stated

that she is not doing any work. She admitted that expenses of her house are borne by her sons. Apart from above, she denied other suggestions put to her.

[9.2] *Per contra*, Ld. Advocate for the opponent no.3 – insurance company has argued that when the driver of the offending vehicle was reversing his vehicle, at that time, the deceased did not move away nor gave any signal to give indication to the driver of the offending vehicle, rather, due to tiredness, he was sleeping at the time of accident. He has further argued that the the claimants have not examined any other eye-witness to prove sole negligence of the driver of the offending vehicle and in absence of any corroborative evidence, negligence of the deceased may also be taken into consideration.

[9.3] Now, the question that arise for consideration of this Tribunal is as to whether the driver of the offending vehicle was sole negligent in causing the accident or not. In the present case, the claimants have brought on record copy of the complaint at Exhibit:38, which was lodged by one Ashokkumar Mahetavsing Yadav. That apart, the claimants have also produced copy of panchnama at Exhibit:39, which accident depicts that small glass pieces; broken eye-glass frame as well as lock of steel belt of writ watch is also found at the place of occurrence. Eicher Truck bearing registration no.GJ-2-Z-8893 was also lying at the place of occurrence. Upon evaluation of the evidence brought on record, it appears that the accident took place during the course of reversing the offending vehicle. Further, this fact can also be ascertained from the copy of complaint (Exhibit:38) and copy of panchnama of place of accident (Exhibit:39). It is expected that

while moving the vehicle in reverse condition, a driver must always go slowly and watch carefully in all directions and specially when a vehicle is a Truck, one person must be required for moving vehicle on reverse direction and without help of anyone driver alone ought not to have reversed the vehicle of bigger size. In these circumstances, it is purely negligence on the part of the opponent no.1 in causing the accident. So far as the arguments advanced by the Ld. Advocate for the opponent no.3-insurance company regarding contributory negligence is concerned, it is worthwhile to mention here that in the instant case, though the opponent no.1 has appeared before this Tribunal in person, yet, he has not stepped in to the witness box and, as such, adverse inference is required to be drawn against him. Further, the opponents have also not produced any evidence to suggest that the complaint lodged against the opponent no.1 was challenged before any higher forum, *inter alia*, alleging that false, frivolous and vexatious allegations are levelled against him. Moreover, it is well cardinal principle that, a party who asserts that the accident had occurred in a particular manner is duty bound to prove such facts by bringing on record cogent and convincing evidence. However, in absence of any cogent and reliable evidence, arguments of the Ld. Advocate for the opponent no.3-insurance company regarding contributory negligence cannot be sustainable. Thus, looking to the complete pleadings of the parties, it appears that the opponent no.1 who was driving Eicher Truck bearing registration no.GJ-2-Z-8893 has not taken adequate care and caution while plying his vehicle and it appears that he was sole negligent for causing the accident. Further, the claimants have also placed on the file copy of inquest

panchnama as well as copy of postmortem report vide Exhibits:40 and 41 respectively, which suggests that the deceased succumbed to the injuries suffered by him in the vehicular accident. Hence, this Tribunal comes to the conclusion that, the accident dated 01.07.2015 took place due to rash and negligent driving of Eicher bearing registration no.GJ-2-Z-8893 by the opponent no.1. Therefore, accordingly my answer to Issue No.1 is in the affirmative.

[10.0] ISSUES NO.2 & 3 :-

[10.1] As the issue No.1 is decided in affirmative, now it is the duty of the Tribunal to award just, equitable and fair compensation to claimants. The expression ‘compensation’ is comprehensive term which includes a claim for the damages. Hon’ble Apex Court in "**Sarla Verma and Others Vs. Delhi Transport Corporation and Another**" reported in AIR 2009 (SC) 3014 has discussed as under:-

“.....just compensation is adequate compensation which is fair and equitable, on the facts and circumstances of the case, to make good the loss suffered as a result of the wrong, as far as money can do so, by applying the well-settled principles relating to award of compensation. It is not intended to be a bonanza, largesse or source of profit.”

[11.0] QUANTUM :-

[11.1] INCOME :-

So far as the income of the deceased is concerned, claimants have stated in claim petition that, at the time of accident the deceased was working with Kumar Labour and Manpower Suppliers and was deployed as Security Guard, out of which, he was earning more than ₹8,000/- per month. In support of their say, the claimants have examined proprietor of Kumar

Labour and Manpower Suppliers namely Rajnishkumar Nirbhaykumar Rana vide Exhibit:34, who deposed that he is running the business since last 22 years. He deposed that his company offers security personnel at different offices. He deposed that the deceased came to his company for getting job and he was working as Security Guard. He deposed that on the first day of his work, he met with an accident. He deposed that prior to joining his company, Mathureshbhai was working with other Security Agency and he was deployed as Security Guard in Mother Dairy. He deposed that as the deceased Mathureshbhai was working with his company and, therefore, he has issued certificate in context of his salary on the letterpad of the company. He deposed that daily salary of the deceased was ₹286.40/-. This witness has identified the certificate dated 05.10.2018 issued by him, which is exhibited as Exhibit:35. He deposed that facts mentioned in the certificate at Exhibit:35 are true. He deposed that attendance card is maintained for the employees working in his company. Further, this witness has identified attendance card maintained in respect of the deceased as well as pay slip of the deceased, which is exhibited as Exhibit:36. He deposed that daily salary of the deceased is mentioned as ₹286.40/-. In his cross-examination by the Ld. Advocate for the opponent no.3-insurance company, he has not brought any evidence to show that he is the owner of the company. He stated that he does not have any evidence to show that the deceased was issued any appointment letter. He stated that around 500 employees were working in the company of the deceased. He stated that he has not produced any evidence that the day of accident was the first of employment of the deceased

in his company. He admitted that employees working in their company are on contract basis and they were given salary on the basis of their attendance and they are called daily wagers. He admitted that he is not having any information that prior to joining his company, the employee was working in which other company. He admitted that at the relevant point of time, the employees were given salary in cash, but, at present they are not giving salary in cash. He admitted that Voucher produced at Exhibit:36 does not bear his signature and he has not prepared the same and his Accountant is acquainted with the details mentioned in the said voucher. He stated that salary of one day is paid as per the certificate produced at Exhibit:35. He stated that the amount of ₹286.40/- mentioned in the certificate at Exhibit:35 is the rate of 8 hours per day as per the minimum wages declared by the Government of Gujarat and the amount of ₹252.50/-, which is shown to have been paid in document at Exhibit:36 comes after deducting 12% P.F. i.e. ₹34/- from ₹286.40/-. He stated that he has not produced any evidence to show that the amount of P.F. deducted from the salary of the deceased was deposited in the Government. He denied the suggestion that the deceased was not working in his company and he is giving false deposition to help the claimants.

[11.1.1] This Tribunal has considered the deposition of the witness at Exhibit:34 as well as the documents produced by him vide Exhibit:35 and 36. From the testimony of the witness namely Rajnishkumar Nirbhaykumar Rana at Exhibit:34, this Tribunal has no hesitation to hold that at the time of accident, the deceased was employed with Kumar Labour and Manpower

Suppliers. Further, it has also come on record that the deceased was a daily wager and at the time of accident, his daily wages was ₹286.40/-. It is the cardinal principle of law that monthly income of the daily wager is required to be taken into consideration after deducting holidays and monthly income of the daily wager can be assessed by multiplying it with 26 days. Therefore, considering the above factual scenario, monthly income of the deceased at the time of accident, can be determined as **₹7,450/-** rounded off [₹286.40/- x 26 = ₹7,446.40/-].

[11.2] AGE & MULTIPLIER :-

Now so far as age of the deceased is concerned, it is the case of the claimants that at the time of accident, the deceased was aged around 50 years old. The claimant no.1 has admitted in her cross-examination that she has not produced any evidence with regard to age of the deceased. The claimant has produced postmortem certificate of the deceased, in which, age of the deceased is mentioned as 50 years. As such, in absence of any contrary evidence, this Tribunal is of the opinion that at the time of accident, age of deceased was around 50 years. Now so far as the calculation of Loss of dependency is concerned, it is required to be assessed proper multiplier considering the age of the deceased. In the judgment of "**Sarla Verma and Others Vs. Delhi Transport Corporation and Another**" reported in 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, 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.”

Since the age of the deceased was 50 years old at the time of the accident thus, in view of the Yard-stick of aforesaid judgment of the Honorable Supreme Court, the claimant is entitled for the **multiplier of 13** for the calculation of loss of total dependency.

[11.3] Here, in the present case, it is proved on record that on the day and date of the accident, the deceased was around 50 years old and this Tribunal has assessed ₹7,450/- as the monthly income of the deceased. It is apt to refer the Judgment of the Hon'ble Supreme Court of India in the case of "***National Insurance Company Ltd. Vs. Pranay Sethi and others***" reported in **2017 ACJ 2700**, wherein, Hon'ble Supreme Court has specifically observed that :

"in case of deceased was self employed or on a fixed Salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 Years. 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, as stated herein above, the deceased was around 50 years old and he was doing job. Further, the witness namely Rajnishkumar Nirbhaykumar Rana has clearly testified that nature of employment of the deceased was purely contractual. Therefore, as observed by the Hon'ble

Supreme Court in the above latest Judgment, 25% prospective income of the deceased is required to be considered and accordingly, it is required to be calculated. This Tribunal has assessed ₹7,450/- as the monthly income of the deceased and thus, in view of the above facts, the prospective income to the tune of 25% would come to **₹1863/- rounded off** [₹7,450/- x 25% = ₹1862.5/-]. Thus, after considering the above prospective income of the deceased, the monthly income of the deceased would come to **₹9,313/-** [₹7,450/- + ₹1863/- = ₹9,313/-].

[12.0] FUTURE DEPENDENCY AND CALCULATION OF TOTAL LOSS OF THE DEPENDENCY OF THE DECEASED :-

[12.1] In the present case, the claimants are widow and major sons of the deceased and the deceased was aged about 50 years at the time of accident. The claim petition has been filed by the widow and sons of the deceased. Thus, in view of the above facts and circumstances of the present case and as per the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** (supra), 1/3 self dependency loss of the deceased is to be deducted. Thus, the loss of dependency is calculated as under:

Annual income of the deceased.	1,11,756/-
1/3 from the annual income is requires to be deducted for self dependency expenses. (1,11,756/- X 1/3)	- 37,252/-
Thus, after deducting 1/3 from the income of the deceased - Annual income would come to rupees.	74,504/-
Thus, total loss of dependency would come to rupees. (74,504/- X 13 multiplier)	9,68,552/-

[13.0] **LOSS OF ESTATE, LOSS OF CONSORTIUM
AND FUNERAL EXPENSES:-**

[13.1] Hon'ble Supreme Court in case of **Pranay Sethi** (*supra*) dated 31.10.2017, please to held that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15000/-, ₹40,000/- and ₹15000/- respectively and the aforesaid amounts should be enhanced at the rate of 10% in every three years. In the present case, more than 8 years has been passed after the judgment of Hon'ble Supreme Court and therefore, calculating the same, 10% amount should be required to enhanced every three years on the conventional heads. Thus the claimant is entitled to get a sum of ₹18,150/- towards the loss of estate and ₹18,150/- towards funeral expenses. In so far as loss of consortium is concerned, in case of **"Magma General Insurance Company Ltd. Vs. Nanu Ram Alias Chuhru Ram & Ors."**, (2018) 18 SCC 130, the Hon'ble Supreme Court has expand the scope of the word consortium and it is held that the compensation on account of loss of consortium was awarded to wife as 'Spousal Consortium' and in case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of 'Filial Consortium' and 'Parental Consortium' is awarded to children who lose their parents in motor vehicle accidents under the Act. Further, the said view taken by the Hon'ble Supreme Court was reaffirmed by the three Judges bench of Hon'ble Supreme Court in case of **"United India Insurance Company Ltd. versus Satinder Kaur alias Satvinder Kaur and others"**, (2020) SCC Online 410 referring the decision in Pranay Sethi's case (*supra*). Thus, in view of above

judgments, claimant no.1, who is spouse of the deceased is entitled to a sum of ₹40,000/- towards the loss of 'Spousal Consortium' and claimants No.2 & 3, who are sons of the deceased are entitled to a sum of ₹40,000/- (total 40,000 X 3 = ₹1,20,000/-) towards the loss of "Parental Consortium' and the said amount should be enhance at the rate of 10% every three year as discussed herein above and therefore the total amount under the head of loss of consortium awarded to the claimants are ₹1,45,200/-. In view of the above facts, the total amount under the head of Loss of Estate, Funeral expenses and Loss of Consortium awarded to the claimants is ₹1,81,500/- [₹18,150/- + ₹18,150/- + ₹1,45,200/-].

[14.0] Now, considering the above noted facts and foregoing reasons and keeping in mind the concept of the 'just compensation', the legal heirs of deceased are entitled for the following amount by way of compensation under the different heads.

Sr.No.	Particulars	Amount [Rs.]
1.	Loss of Dependency	9,68,552/-
2.	Loss of Estate, loss of Funeral Expenses and loss of consortium.	1,81,500/-
Total Compensation		11,50,052/-

[15.0] **LIABILITY TO SATISFY THE AWARD :-**

[15.1] As discussed above, it is proved that accident dated the accident dated 01.07.2015 took place due to rash and negligent driving of Eicher bearing registration no.GJ-2-Z-8893 by the opponent no.1. The Ld. Advocate for the opponent no.3-

insurance company has brought on record copy of certificate of insurance policy of Eicher bearing registration no.GJ-2-Z-8893 vide Exhibit:44 and on perusal of the same, it transpires that the opponent no.2 is the owner of the offending vehicle. Thus, the opponent no.2 being owner of the vehicle is vicariously liable for the tortuous act of the opponent no.1 who was driver of the offending vehicle Further, it also appears that the insurance policy was in force for the period from 05.04.2015 to 04.04.2016, which covers the date of accident 01.07.2015. As such, it is proved that on the date of accident, the offending vehicle was validly insured with the opponent no.3-insurance company. Considering the discussion held herein-above, this Tribunal holds that the opponents no.1, 2 and 3 being driver, owner and insurer of Eicher bearing registration no.GJ-2-Z-8893 respectively, are liable in their joint and several capacity to pay awarded compensation amount to the claimants with proportionate cost and interest.

[16.0] **INTEREST ON AWARDED AMOUNT :-**

[16.1] The claimants submitted that they should be awarded interest at the rate of 15% on the awarded amount. I have considered and perused the records. It shows that the accident took place on 01.07.2015 and the claim petition was filed in the year 2015. Thus, having regards to the facts and circumstances of the present case, in the light of the law laid down by the Hon'ble Supreme Court of India in the case of "*M.C.D. - versus – Association of Victim of Uphaar Tragedy*", reported in *2012 ACJ 48 (Supreme Court)* as well as in the case of "*National Insurance Company Ltd. Vs. Pranay Sethi and*

others reported in *2017 ACJ 2700*, it would be just and proper to award the simple interest at the rate of 9% p.a.. Accordingly, the claimant is entitled to get simple interest at the rate of 9% p.a. on the awarded amount of claim from the date of filing of claim petition till realization of awarded amount.

[17.0] In view of above referred discussion, petitioners are entitled for compensation of ₹11,50,052/- and therefore, my answer to issues No.2 & 3 is partly in affirmative and for issue No.4, I pass the following final order in the interest of justice :-

-:: ORDER ::-

- (1) The above referred claim petition is hereby partly allowed.
- (2) The petitioners are entitled to recover compensation of **₹11,50,052/- (Rs. Eleven Lakh Fifty Thousand Fifty Two)** along with the simple interest at the rate of **9% per annum**, from the date of claim petition till its realization, with proportionate cost, from the opponents who are in their joint and several capacity liable to pay the compensation to the claimants.
- (3) The opponents are hereby jointly and severally directed to transfer awarded amount through RTGS/NEFT within 30 days from the date of this order.
- (4) Deficit Court Fee Stamp, if any, be recovered first from the awarded amount and interim amount if paid be adjusted.
- (5) Thereafter, the remaining amount may be disbursed among all the petitioners equally. Out of the payable amount, 70% amount shall be deposited in any Nationalized Bank for a period of 5 years in FDR in the name of petitioner with a

condition that the petitioner shall not be entitled to borrow loan or create any encumbrance on the said deposit and the remaining 30% amount shall be paid to the petitioner through RTGS / NEFT after due verification.

(6) The petitioner/s is/are directed to submit the following details within one week from today:-

1. **Name of the petitioner with address.**
2. **Name of the Bank & Branch, Bank IFSC Code, Account Number of the petitioner.**
3. **The first page of the bank pass-book, which will compulsorily contain the photograph of the petitioner, duly attested by the Bank concerned, should be made available.**
4. **Wherever the petitioners are impleaded as Respondents, before the claims tribunal, their account details, as above, will have to be furnished.**

(7) The insurance companies / transport corporations and such other entities shall deposit the amount 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.

Account Name : Principal District Judge, Ahmedabad (Rural) MACP,

Account No. : 00000040722625356,

IFSC Code: SBIN0000301

Bank MICR Code : 380002002

and on such deposits being made, the insurance companies/transport corporations and such other entities 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:-

PAYMENT ADVICE FOR REMITTANCE OF COMPENSATION From:

..... Bank

To:

..... Court

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

1. **MACP Number :**
2. **On the file of (Claims Tribunal Name) :**
3. **Name of Petitioner/s :**
4. **Place :**
5. **Date of award :**
6. **Amount Deposited :**
7. **Name of the Bank who deposit the amount :**
8. **Income Tax Deduction at Source, if any Unique Transaction Reference (UTR) No. :**

(8) The Insurance Companies, Transport Corporations and

such other entities making such deposit, shall also send a copy of the payment advice in the aforesaid Clause to the Claims Tribunal concerned and serve a copy of the same on the petitioner/s or their counsel as the case may be.

- (9) The opponents shall follow guidelines given in the case of **"The Oriental Insurance Co. Ltd. Vs. Chief Commissioner of Income-tax (TDS), R/SCA/4800/2021"** decided on 05.04.2022 by the Hon'ble High Court of Gujarat with regard to the deduction of Income tax.
- (10) Award be drawn accordingly in the above claim petition and file be consigned to record room after due compliance.

Signed & Pronounced today i.e. on 06th day of April, 2026.

Date : 06.04.2026.
Place: Ahmedabad.

[Hardik R. Shah]
MAC Tribunal (Aux.) &
10th Additional District Judge,
Ahmedabad (Rural) at Navrangpura.
Judge Code No.GJ00851