

Filed on :	26/07/2013		
Registered on:	26/07/2013		
Decided on :	05/05/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL [AUXI.] &
4H ADDITIONAL DISTRICT JUDGE,
AHMEDABAD [RURAL] AT NAVRANGPURA**

MAC PETITION NO. 923 OF 2013.

Petitioner(s):

Jinalben Hardikbhai Gandhi

Age: 26 Years, Occupation : Household,

Residing at : B-407, Shubh Flat,

Radhanpur Road, Mahesana.

Filed on :	22/08/2013		
Registered on:	22/08/2013		
Decided on :	05/05/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

MAC PETITION NO. 1189 OF 2013.

Petitioner(s):

Hardik Anupbhai Gandhi

Age: 30 Years, Occupation : Service,

Residing at : B-407, Shubh Flat,

Radhanpur Road, Mahesana.

Filed on :	14/05/2014		
Registered on:	14/05/2014		

Decided on :	05/05/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

MAC PETITION NO. 846 OF 2014.**Petitioner(s):****Hardik Anupbhai Gandhi**

Age : 30 Years, Occupation : Service,
Residing at : B-407, Shubh Flat,
Radhanpur Road, Mahesana.

VERSUS**[common]****Respondents:****Alto Car bearing registration no. GJ-2-AP-6392****1) Pathikkumar Anupbhai Gandhi (Driver)**

Age : Adult,
Residing at : B-407, Shubh Flat, Radhanpur Road,
Mahesana.

2) Anupbhai Vadilal Gandhi (Owner)

Age : Adult, Occupation : Business,
Residing at: B-407, Shubh Flat, Radhanpur Road,
Mahesana.

3) HDFC Ergo General Insurance Company Ltd. (Insurer)

At: 206, 2nd Floor, Shopper Plaza,
Near C. G. Road, Ahmedabad.

Dumper bearing registration no. GJ-13-X-118**4) Nitinkumar B. Dudhejiya (Driver)**

Age : Adult,
Residing at : Village Somasar, Taluka Muli,
District Surendranagar.

5) Dalpatbhai Bhojabhai Chauhan (Owner)

Age : Adult,
Residing at: Shatikrupa Society,
National Highway No.8, Village Sayala,

Taluka Sayala, District Surendranagar.

- 6) **The New India Assurance Co. Ltd. (Insurer)**
At: Popular House, Ashram Road, Ahmedabad.

Filed on :	18/03/2014		
Registered on:	18/03/2014		
Decided on :	05/05/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

MAC PETITION NO. 364 OF 2014.

Petitioner(s):

Pathik Anupbhai Gandhi

Age : 27 Years, Occupation : Service,
Residing at : B-407, Shubh Flat,
Radhanpur Road, Mahesana.

Filed on :	17/07/2014		
Registered on:	17/07/2014		
Decided on :	05/05/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

MAC PETITION NO. 1130 OF 2014.

Petitioner(s):

Anupbhai Vadilal Gandhi

Age : 50 Years, Occupation : Service,
Residing at : B-407, Shubh Flat,
Radhanpur Road, Mahesana.

VERSUS
[common]

Respondents:**Dumper bearing registration no. GJ-13-X-118****1) Nitinkumar B. Dudhejiya (Driver)**

Age : Adult,

Residing at : Village Somasar, Taluka Muli,
District Surendranagar.

2) Dalpatbhai Bhojabhai Chauhan (Owner)

Age : Adult,

Residing at: Shatikrupa Society,
National Highway No.8, Village Sayala,
Taluka Sayala, District Surendranagar.

3) The New India Assurance Co. Ltd. (Insurer)

At: Popular House, Ashram Road, Ahmedabad.

Appearance:

For MAC Petitions No.923/2013, 1189/2013 and 846/2014:

Mr. D. S. Dalal : Ld. Advocate for petitioners.

Ms. A. B. Palkhiwala : Ld. Advocate for the respondents no.1 and 2.

Mr. K. C. Mehta : Ld. Advocate for the respondent no.3.

Mr. S. L. Patel : Ld. Advocate for the respondent no.4.

Ex-parte against the respondent no.5.

Mr. H. N. Shah : Ld. Advocate for the respondent no.6.

For MAC Petitions No.364/2014 & 1130/2014:

Mr. D. S. Dalal : Ld. Advocate for petitioners.

Mr. S. L. Patel : Ld. Advocate for the respondent no.1.

Ex-parte against the respondent no.2.

Mr. H. N. Shah : Ld. Advocate for the respondent no.3.

COMMON JUDGMENT

1. The different petitioners (hereinafter referred to as 'claimants') have filed different petitions under Section 166 of The Motor Vehicles Act (for short "the Act") seeking

compensation from respondents in their joint and several capacity, on account of injuries sustained by the claimants Jinalben Hardikbhai Gandhi, Hardik Anupbhai Gandhi, Pathik Anupbhai Gandhi and Anupbhai Validlal Gandhi as well as on account of death of Ritaben Anupbhai Gandhi (for short “the deceased”) a in a motor-vehicular accident, which took place on 10.12.2012.

2. It is worthwhile to mention here that since all these claim petitions arise out of the same accident, hence, all these claim petitions were ordered to be tried together vide order dated 02.03.2023 passed below Exhibit:32 in MAC Petition No.923 of 2013 and evidence was recorded in claim petition bearing MAC Petition No.923 of 2013 and now all these claim petitions are being decided by this common judgment.
3. Claimants pleaded that on 10.12.2012, the claimants and the deceased were returning to Ahmedabad in Alto Car bearing registration no.GJ-2-AP-6392 (for short “Car”). It has been further pleaded that the said car was driven by the claimant Pathikbhai on the left side of the road and at slow speed. It has been further pleaded that at around 12:30 pm, they were passing through the road near patiya of Matoda Village, at that time, one Dumper bearing registration No.GJ-13-X-118 (hereinafter referred to as “the offending vehicle”) came driven in reverse condition and that too without giving any signals or indicators and dashed with Car. Due to which, the claimants as well as the deceased sustained grievous injuries and the deceased succumbed to

the injuries. It has been averred in the claim petition that crime regarding accident was registered in Changodar Police Station. As such, the claim petition bearing MAC Petition No.923 of 2013 has been filed claiming compensation of ₹6,00,000/- on account of injuries sustained by the claimant Jinalben Hardikbhai Gandhi; MAC Petition No. 1189 of 2013 has been preferred seeking compensation of ₹4,00,000/- on account of injuries sustained by the claimant Hardik Anupbhai Gandhi; MAC Petition No.364 of 2014 has been filed seeking compensation of ₹4,00,000/- on account of injuries sustained by the claimant Pathik Anupbhai Gandhi; MAC Petition No.846 of 2014 has been filed claiming compensation of ₹7,50,000/- on account of death of deceased Ritaben Hardikbhai Gandhi and MAC Petition No.1130 of 2014 has been filed seeking compensation of ₹15,00,000/- on account of injuries suffered by the claimant Anupbhai Vadilal Gandhi.

4. It is worthwhile to mention here that the respondents no.1 and 2 in claim petitions bearing MAC Petitions No.923 of 2013; 1189 of 2013 and 846 of 2014 have filed their separate reply denying the averments of the claim petitions in toto. It has been averred that the accident had occurred on account of sole negligence of the driver of the offending vehicle. It has been further submitted that even if, driver of car is attributed some negligence, car was insured with the respondent no.3-insurance company and, as such, the respondent no.3-insurance company is liable

to pay compensation to the claimants.

5. Upon service of summons, the respondent no.3-insurance company entered its appearance through its Ld. Advocate and filed written statements denying the averments of the claim petitions in its entirety. It has been averred that the at the time of accident, the driver of car was not holding valid, effective and legal driving licence. It has been further averred that accident occurred on account of rash and negligent driving of the driver of the offending vehicle. It has been further averred that the claimants have not brought on record any cogent evidence qua age, income, exact date/time/place of accident, injuries suffered by them, which resulted in permanent partial disablement/death, etc. With these submissions, it has been prayed that the claim petitions may be dismissed qua the respondent no.3.
6. The respondent no.4 in MAC Petitions No.923 of 2013; 1189 of 2013 and 846 of 2014 and the Respondent No.1 in MAC Petitions No.364 of 2014 and 1130 of 2014 is one and the same party and he appeared through his Ld. Advocate, however, he has not resisted the claim petition by filing his reply and, accordingly, right to file his reply was ordered to be closed.
7. The respondent no.5 in MAC Petitions No.923 of 2013; 1189 of 2013 and 846 of 2014 and the Respondent No.2 in MAC Petitions No.364 of 2014 and 1130 of 2014 is one and the same party. Despite service of summons, he has

not appeared before the Tribunal. As such, the claim petitions were ordered to be proceeded as ex-parte against him.

8. The respondent no.6-insurance company in MAC Petitions No.923 of 2013; 1189 of 2013 and 846 of 2014 and the Respondent No.3-insurance company in MAC Petitions No.364 of 2014 and 1130 of 2014 is one and the same party and has entered its appearance through its Ld. Advocate and filed separate written statements in each claim petitions denying the averments of the claim petition in its entirety. It has been further averred that the driver of Alto car involved in the accident was solely negligent for causing the accident. It has been further averred that the claimants may be put to strict proof qua age, income, exact date/time/place of accident, injuries suffered by them, which resulted in permanent partial disablement/death, etc. With these submissions, it has been prayed that the claim petitions may be dismissed qua the respondent no.6. In the alternative, maximum negligence may be attributed to the driver of Alto Car.

Issues and findings of the Court :-

9. From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.923 of 2013 vide Exhibit:26:
 1. Whether the petitioner proves that he/she sustained injuries because of rash and negligent driving of the vehicle involved in the accident?

2. Whether the petitioner is 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?

My findings on the above issues are as under and the reasons for the same are discussed herein after.

FINDINGS

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

10.From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.1189 of 2013 vide Exhibit:23:-

1. Whether the petitioner proves that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
2. Whether the petitioner is entitled to get the compensation as prayed for or any part thereof from the respondents or any of them?
3. What order and award?

11.From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.364 of 2014 vide Exhibit:21:-

1. Whether the petitioner proves that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
2. Whether the petitioner is entitled to get the compensation as prayed for or any part thereof from the respondents or any of them?
3. What order and award?

12.From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.846 of 2014 vide Exhibit:31:-

1. Whether the petitioners prove that deceased died because of rash and negligent driving of the driver of the vehicle involved in the accident?
2. Whether the petitioners prove that he/she is entitled to get the compensation claimed by him or any part thereof from the respondents?
3. What order and award?

13.From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.1130 of 2014 vide Exhibit:20:-

1. Whether the petitioner proves that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
2. Whether the petitioner is entitled to get the compensation as prayed for or any part

thereof from the respondents or any of them?

3. What order and award?

My common findings on the above issues are as under and the reasons for the same are discussed herein after.

FINDINGS

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

REASONS

14. Claimant of MAC Petition No.923 of 2013 namely Jinalben Hardikbhai Gandhi has examined herself who had filed her examination-in-chief affidavit as available at Exhibit:33 reiterating the averments of the claim petition. In her cross-examination by the Ld. Advocate for the respondent no.3-insurance company, she admitted that averments of paragraph 2 of her examination-in-chief affidavit regarding the accident are true and correct. She admitted that she has produced all papers pertaining to her medical treatment. Further, in her cross-examination by the Ld. Advocate for the respondent no.6-insurance company, she admitted that she was travelling in Alto Car at the time of accident. She stated that she was seated in rear seat of car. She stated that car was driven by her brother-in-law. She feigned ignorance of the suggestion that Dumper was stopped on correct side of the road. She stated that she went in Comma. She admitted that charge-sheet was filed against her brother-in-law. Apart from that she, denied other suggestions put to her.

15. Claimant of MAC Petition No.1189 of 2013 namely Hardik Anupbhai Gandhi has also examined himself who had filed his examination-in-chief affidavit as available at Exhibit:36 reiterating the averments of the claim petition. In his cross-examination by the Ld. Advocate for the respondent no.3-insurance company, he admitted that averments of paragraph 2 of his examination-in-chief affidavit regarding the accident are true and correct. He admitted that he has produced all papers pertaining to his medical treatment. Further, in his cross-examination by the Ld. Advocate for the respondent no.6-insurance company, he admitted that he was travelling in Alto Car at the time of accident. He stated that he was seated in rear seat of car. He stated that car was driven by his brother. He stated that accident took place on the road that was 40 feet wide. He admitted that police investigated and recorded his statement in connection with the complaint. He admitted that the road to the right where Dumper was stationed was empty. He admitted that charge-sheet was filed against his brother. He denied the suggestion that car was driven in full speed and accident occurred due to negligence of driver of car. Apart from that he, denied other suggestions put to him.

16. Claimant of MAC Petition No.364 of 2014 namely Pathikbhai Anupbhai Gandhi has examined himself who had filed his examination-in-chief affidavit as available at Exhibit:73 reiterating the averments of the claim petition. In his cross-examination by the Ld. Advocate for the

respondent no.3-insurance company, he deposed that on the day of accident, he was plying his Alto Car. He stated that he does not remember registration number of alto car. He admitted that charge-sheet in connection with accident was filed against him. He stated that accident took place between 11 hours to 12 hours in the morning. He stated that on the day of accident, they were going from Bagodara to Mahesana. He admitted that the road was wide enough that two vehicles can easily be pass side-by-side. He stated that Dumper involved in the accident was proceeding ahead of his car. He admitted that his right side lane of the road was empty. He admitted that he has produced papers relating to his treatment. He admitted that he is not having bills relating to medicines purchased from outside. He admitted that he was employed in a firm named Hardik Sales, which is owned by his father. He admitted that he has not produced any evidence regarding his income. He stated that at present he is working there and he is earning ₹10,000/- to ₹12,000/- per month. He admitted that he has obtained disability certificate from Dr. P. M. Vekariya and he had not taken treatment with him. He stated that he read police complaint. He stated that he does not remember who lodged police complaint against him. He stated that he was acquitted in criminal case. Except this, he denied other suggestion so put to him.

17. Claimant of MAC Petition No.846 of 2014 namely Hardik Anupbhai Gandhi has examined himself who had filed his examination-in-chief affidavit as available at Exhibit:39

reiterating the averments of the claim petition. In his cross-examination by the Ld. Advocate for the respondent no.3-insurance company, he denied all the suggestions put to him. Further, this witness was cross-examined by the Ld. Advocate for the respondent no.6-insurance company, in which, he admitted that at the time of accident, her mother was seated in Alto Car. He stated that he was seated on rear side of car. He stated that his brother was driving car. He stated that road on which accident took place was approximately 40 feet wide. He admitted that police investigated and recorded his statement in connection with the complaint. He admitted that the road to the right where Dumper was stationed was empty. He admitted that charge-sheet was filed against his brother. Besides this, he denied other suggestions put to him.

18. Claimant of MAC Petition No.1130 of 2014 has also examined himself who had filed his examination-in-chief affidavit as available at Exhibit:70 reiterating the averments of the claim petition. In his crosse-examination by the Ld. Advocate for the respondent no.3-insurance company, he admitted that Car bearing registration No.GJ-2-AP-6392 was owned by him. He stated that at the time of accident, he was seated in car. He stated that he was seated to the adjacent of driver's seat. He admitted that he has read the contents of the complaint and knows the fact of the same. He admitted that accident took place between 12:00 pm to 12:30 pm. He deposed that he had not lodged police complaint. He voluntarily stated that he had fallen

asleep. He admitted that accident took place on the left side of the road. He admitted that charge-sheet was submitted against driver of Alto Car. He admitted that he has produced medical papers pertaining to treatment undergone by him. He admitted that he has not produced evidence regarding treatment taken between 13.07.2013 to 24.05.2015. He admitted that he has not produced treatment papers between 02.06.2015 to 28.02.2017 and 02.03.2017 to 05.09.2018. He stated that in the year 2016, 2019 and 2020, he has not produced medical papers of his treatment. He admitted that every year he changes his mediclaim policy i.e. Bajaj Allianz, Paramount Health Insurance and Bharatiy General Insurance Policy. He admitted that he is owner of firm named Hardik Sales at Mahesana. He admitted that he has produced documents with regard to amount received under mediclaim policy. He admitted that he is the owner of firm namely Hardik Sales, which is still functioning. Apart from this, he denied other suggestion put to him.

Thereafter, claimants closed their evidence after bringing on record following documents:-

Exhibit	Documents
49	Discharge Summary of claimant Jinalben.
50	Letter received from Genius India Insurance TPA Ltd.
51	Receipt of payment made to Shalby Hospital.
52	Bill of hospitalization.
53, 54	Receipts of payment made to Shalby Hospital.
55, 56	Medical Bills.

57	Receipt of payment made to Dr. P. M. Vekaria.
58	Copy of telephone vardhi.
59	Copy of panchnama.
60	Discharge Summary of claimant Hardikbhai.
61	Hospitalization bill of claimant Hardik Gandhi.
62	Letter issued towards payment of mediclaim amount.
63	Discharge Summary of Ritaben Gandhi.
64	Copy of Postmortem report of the deceased Ritaben.
65	Copy of school leaving certificate of the deceased.
66	Hospitalization bill of the deceased.
67	Letter issued towards payment of mediclaim amount to the deceased.
82	Discharge Summary of claimant Pratikbhai.
83	Hospitalization bill of claimant Pratikbhai.
76	Discharge Summary of claimant Anup Gandhi.
77	Copy of discharge card of claimant Anup Gandhi.
78	Copy of Aadhar Card of claimant Anup Gandhi.
80	X-ray investigation report.
81	Disability Certificate of claimant Hardik Gandhi.
88, 89	Certificates of Mediclaim Policy issued by Bajaj Allianz General Insurance Company Ltd. to Anup Gandhi.
90 to 96	Intimation given to claimant Anup Gandhi regarding settlement of claim.
97 to 100	Income Tax returns submitted by the claimant for the assessment years 2012-2013 to 2016-2017.

101	Bill issued by Shriji Orthopedic Appliances.
102	Receipt towards payment made to Dr. P. M. Vekariya.
109	Copy of insurance policy of Dumper bearing registration no.GJ-13-X-0118.
114	Certified copy of judgment passed in Criminal Case No.467 of 2013.

19. On the other hand, the Ld. Advocate for the respondent no.3-insurance company has examined witness namely Nitinbhai Bhagirathbhai Dudhrejiya vide Exhibit:106 who was driver of the offending vehicle, who mainly deposed that on 10.12.2012, he was inquiring about the address by stationing the offending vehicle on the side of the road, at that time, car dashed on rear side of the offending vehicle. He has further stated that the accident occurred due to negligence of the driver of Car and police investigation as well as charge-sheet was also filed the driver of car. In his cross-examination by the Ld. Advocate for the respondent no.6-insurance company, he stated that upon service of summons in MAC Petition No.923/2013, he appeared through his Ld. Advocate. He admitted that he has not filed his reply in the claim petition. He admitted that after accident, people gathered there and he went to police station. He stated that after accident, he made a phone call to his employer and he also reached police station. He stated that after lodging complaint, they went to prepare panchnama. Further, this witness was cross-examined by the Ld. Advocate for the respondent no.3, whereby, he admitted that he has not filed reply in the claim petition. He stated that there was divider on the middle of the road.

He admitted that he was having apprehension of being beaten and, therefore, he went to police station. He stated that he never tried to meet the injured persons. Apart from above, he denied other suggestions put to him.

Thereafter, the Ld. Advocate for the respondent no.3-insurance company closed her evidence after bringing on record following documents:-

Exhibit	Documents
110	Insurance Policy of Dumper bearing registration no.GJ-13-X-0118.
111	Copy of charge-sheet.

20. Learned Advocates for claimants as well as the respondents have argued as per the pleadings and evidence. Besides canvassing oral arguments, Ld. Advocate for the claimants have tendered written arguments vide Exhibit:122 and Ld. Advocate for the respondent no.6-New India Insurance Company has submitted written arguments vide Exhibit:126.

21. I have heard learned counsel for the claimants and have gone through the case file carefully. My issue wise findings are as under:-

ISSUE NO.1 (for all claim petitions):

22. Since the first issue is twofold and same relates to proving of accident on the part of claimants as well as sustaining of injuries by the deceased and the injured claimant as a result of such rash and negligent driving of driver of offending vehicle. Apart from oral evidence, the claimants

have brought on record a copy police verdhi, panchnama and charge-sheet as available at Exhibits:58, 59 and 11 respectively. As such, the factum of accident stands duly proved.

23. In the present case, the deceased Ritaben along with other claimants namely Jinalben and Hardikbhai were travelling in Alto Car which was driven by the claimant namely Pathikbhai and owned by the claimant Anupbhai and, therefore, the deceased as well as the claimants namely Jinalben and Hardikbhai were third party and, thus, it is the case of “composite negligent”. It is settled law that in a case of composite negligence, it is not necessary for the claimant to sue all the joint tort feasons but the claimant can sue any of the joint tort feasons either jointly or severally.

24. Now, so far as the point of negligence is concerned, this Tribunal has to ascertain that whether the driver of the offending vehicle was sole negligent or the claimant Pathikbhai had contributed in causing the the same. At the outset, this Tribunal has gone through the copy of panchnama of place of accident is also available on record vide Exhibit:58. From the panchnama of place of occurrence, it emerges that accident took place on Highway. It appears that the offending vehicle was facing towards the road leading to Sarkhej. Rear bumper of the offending vehicle was damaged. One Alto Car bearing registration no.GJ-2-AP-6392 had gone beneath Dumper.

Car was significantly damaged. In the instant case, charge-sheet was submitted against the claimant Pathikbhai. However, only on the basis of charge-sheet, sole negligence cannot be attributed to him. From evaluating oral as well as documentary evidence brought before this Tribunal, it appears that the road was approximately having width of 40 meters. As such, two vehicles can easily be passed side-by-side. Further, it also appears that at the time of accident, the road to the right where Dumper was stationed was empty. The driver of the offending vehicle was examined in this case and he stated that he stationed his vehicle on the side and was inquiring about the address, at that time, Alto car dashed on rear side of the offending vehicle. The accident took place at around 12:00 pm to 12:30 pm i.e. during broad day light. Considering the entire facts and circumstances of the present case, this Tribunal is of the opinion that the claimant namely Pathikbhai Gandhi was primarily responsible for causing the accident. Further, the offending vehicle is a bigger vehicle than Alto car and it is well established principle that bigger the vehicle, greater the responsibility is casted upon its driver. However, even though it is believed that the driver of the offending vehicle had stationed his vehicle on the left side of the road and he was inquiring about the address, yet, no evidence is coming on record that he had applied indicators or kept parking lights ON so as to give indication to the drivers of vehicles coming from rear side that the offending vehicle was stationed. Under the foregoing reasons, this Tribunal is of the opinion that,

the claimant namely Pathikbhai Gandhi who was driving Alto Car bearing registration no.GJ-2-AP-6392 was negligent to the tune of 70%, whereas, the driver of Dumper bearing registration No.GJ-13-X-118 was negligent to the extent of 30% in causing the accident. Accordingly, issue no.1 is answered in favour of claimants and against the respondents.

ISSUES NO.2 & 3:

MAC PETITION NO. 923 OF 2013

25. It has been pleaded that the claimant in her claim petition as well as in her examination-in-chief affidavit that she was aged around 26 years at the time of accident. The Ld. Advocate for the respondents no.3 and 6-insurance company has not cross-examined the claimant on the aspect of her age, as such, it appears that they have impliedly accepted the version of the claimant with regard to her age. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 26 years at the time of said accident. Hence, in view of Judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation : 2009 ACJ 1298** and the **Schedule-II of the M.V.Act**, a multiplier of '17' is to be taken for the purpose of computing loss of future earning, since, at the time of accident, age of claimant was falling in the age group of age between 26 years to 30 years.

26. Upon going through the pleadings of the parties, it appears that the claimant had suffered fracture on her left arm

along with other injuries on various body parts. In these circumstances considering the nature of injuries, the treatment required for such injuries, age of the claimant, her requirement for special diet were certainly the need of hour. Hence, taking into cumulative effect of the injuries into consideration a sum of ₹15,000/- is awarded towards the head of transportation, attendant, special diet, etc.

27. It is worthwhile to mention here that claimant has brought on record medical bills on her treatment, hospitalization, medicines, investigation, etc. vide Exhibits:52, 55 to 57. The Ld. Advocate for the claimant in his written statement at Exhibit:122 has pleaded that out of total expenditure of ₹4,08,192/-, the claimant has already received a sum of Rs. ₹1,80,000/- through her mediclaim and has prayed that a sum of ₹2,28,192/- may be award to the claimant under the head of medical expense. As such, considering the submissions made by the Ld. Advocate for the claimant, a sum of ₹2,28,192/- is awarded under the head of medical expense.

28. It is the case of the claimant she was housewife and her income at the time of accident may be considered as ₹6,000/- per month. Admittedly, in this case, the claimant has not produced any proof regarding her income at the time of accident. As such, in the opinion of this Tribunal, the claimant has failed to prove her income. Hence, this Tribunal is of the view that, considering the year of accident, notional income of the claimant is derived at ₹5,000/- per month.

29. The claimant has also brought on record disability certificate issued by Dr. P. M. Vekaria vide Exhibit:79, in which, permanent functional disablement suffered by the claimant is shown as 18% in context of whole body. Exhibit:84 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 10% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 10%. Calculation of compensation for permanent disability is assessed as follows:-

Annual income before the accident	₹60,000/-
Loss of future earning capacity 10% of annual income.	₹6,000/-
Multiplier with reference to age	17
Loss of future earning	₹1,02,000/-

30. It is worthwhile to mention here that on account of vehicular accident, the claimant suffered fracture on her left arm along with other injuries on her various body parts and she had taken treatment in SAL Hospital. It must be accepted that even after discharge from the hospital, the claimant remained confined to her home and unable to work for at least two months. She is, therefore, entitled to compensation for loss of income for two months during treatment. For loss of income of two months during treatment, the claimant is entitled to compensation of ₹10,000/-.

31. It is not possible to exactly compensate claimant for the pain, shock and suffering, which she had actually suffered

because of the injuries and disability. Hence, keeping in view the extent and nature injuries suffered by the claimant as well as duration of treatment taken by her, compensation for pain, shock & suffering works out to ₹15,000/-.

32. In view of the above fact, circumstances and discussion made here in above the claimant is entitled for the following amount as compensation:

Loss of future earning	₹1,02,000/-
Loss of income during treatment	₹10,000/-
Medical Expense	₹2,28,192/-
pain, shock & suffering	₹15,000/-
Transportation, attendant, special diet.	₹15,000/-
Total Compensation...	₹3,70,192/-

In all, claimant is found entitled to a sum of ₹3,70,192/- on the all the above count as just compensation.

ISSUE NO.2:

MAC PETITION NO. 1189 OF 2013

33. It has been pleaded that the claimant in her claim petition as well as in her examination-in-chief affidavit that she was aged around 30 years at the time of accident. The claimant has produced discharge summary of SAL Hospital vide Exhibit:60, in which, his age is mentioned as 30 years. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 30 years at the time of said accident. Hence, in view of Judgment of the Hon'ble Supreme Court in the case of

Sarla Verma Vs. Delhi Transport Corporation : 2009 ACJ 1298 and the Schedule-II of the M.V.Act, a multiplier of '17' is to be taken for the purpose of computing loss of future earning, since, at the time of accident, age of claimant was falling in the age group of age between 26 years to 30 years.

34. Upon going through the pleadings of the parties, it appears that the claimant had suffered fracture on his left wrist along with other injuries on various body parts. In these circumstances considering the nature of injuries, the treatment required for such injuries, age of the claimant, his requirement for special diet were certainly the need of hour. Hence, taking into cumulative effect of the injuries into consideration a sum of ₹20,000/- is awarded towards the head of transportation, attendant, special diet, etc.

35. It is worthwhile to mention here that claimant has brought on record medical bills on his treatment, hospitalization, medicines, investigation, etc. vide Exhibit:61. The Ld. Advocate for the claimant in his written statement at Exhibit:122 has pleaded that out of total expenditure of ₹1,53,069/-, the claimant has already received a sum of ₹1,00,000/- through her mediclaim and has prayed that a sum of ₹60,000/- may be award to the claimant under the head of medical expense. As such, considering the submissions made by the Ld. Advocate for the claimant, a sum of ₹60,000/- is awarded under the head of medical expense.

36. It is the case of the claimant at the time of accident, she

was employed in Hardik Sales, out of which, he was earning ₹10,000/- per month. Admittedly, in this case, the claimant has not produced any evidence in context of his income. As such, in the opinion of this Tribunal, the claimant has failed to prove his income. Hence, this Tribunal is of the view that, considering the year of accident, notional income of the claimant is derived at ₹6,000/- per month.

37. The claimant has also brought on record disability certificate issued by Dr. P. M. Vekaria vide Exhibit:81, in which, permanent functional disablement suffered by the claimant is shown as 34% in context of whole body. Exhibit:85 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 16% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 16%. Calculation of compensation for permanent disability is assessed as follows:-

Annual income before the accident	₹72,000/-
Loss of future earning capacity 16% of annual income.	₹11,520/-
Multiplier with reference to age	17
Loss of future earning	₹1,95,840/-

38. It is worthwhile to mention here that on account of vehicular accident, the claimant suffered fracture on his left wrist along with other injuries on his various body parts and he had taken treatment in Sal Hospital. It must be

accepted that even after discharge from the hospital, the claimant remained confined to his home and unable to work for at least two months. He is, therefore, entitled to compensation for loss of income for two months during treatment. For loss of income of two months during treatment, the claimant is entitled to compensation of ₹12,000/-.

39. It is not possible to exactly compensate claimant for the pain, shock and suffering, which she had actually suffered because of the injuries and disability. Hence, keeping in view the extent and nature injuries suffered by the claimant as well as duration of treatment taken by him, compensation for pain, shock & suffering works out to ₹20,000/-.

40. In view of the above fact, circumstances and discussion made here in above the claimant is entitled for the following amount as compensation:

Loss of future earning	₹1,95,840/-
Loss of income during treatment	₹12,000/-
Medical Expense	₹60,000/-
pain, shock & suffering	₹20,000/-
Transportation, attendant, special diet.	₹20,000/-
Total Compensation...	₹3,07,840/-

In all, claimant is found entitled to a sum of ₹3,07,840/- on the all the above count as just compensation.

MAC PETITION NO. 364 OF 2014

41. It has been pleaded that the claimant was aged around 27

years at the time of accident. The claimant has produced Discharge Summary of SAL Hospital at Exhibit:82, in which, his age is mentioned as 27 years. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 27 years at the time of accident. Hence, in view of Judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation : 2009 ACJ 1298 and the Schedule-II of the M.V.Act**, a multiplier of '17' is to be taken for the purpose of computing loss of future earning, since, at the time of accident, age of claimant was falling in the age group of age between 26 years to 30 years.

42. Upon going through the pleadings of the parties, it appears that the claimant had suffered fracture on his wrist, shoulder along with other injuries on various body parts. In these circumstances considering the nature of injuries, the treatment required for such injuries, age of the claimant, his requirement for special diet were certainly the need of hour. Hence, taking into cumulative effect of the injuries into consideration a sum of ₹15,000/- is awarded towards the head of transportation, attendant, special diet, etc.
43. It is worthwhile to mention here that claimant has brought on record medical bills on his treatment, hospitalization, medicines, investigation, etc. vide Exhibit:83. Hence, a sum of ₹2,28,852/- is awarded under the head of medical expense.
44. It is the case of the claimant at the time of accident, he was doing job, out of which, he was earning ₹10,000/- per

month. Admittedly, in this case, the claimant has not produced any evidence in context of his income. As such, in the opinion of this Tribunal, the claimant has failed to prove his income. Hence, this Tribunal is of the view that, considering the year of accident, notional income of the claimant is derived at ₹6,000/- per month.

45. Now so far as sustaining serious injuries resulting in permanent disablement is concerned, the claimant has produced disability certificate issued by Dr. P. M. Vekaria, in which, permanent functional disability suffered by the claimant is shown as 20% in context of whole body. Exhibit:75 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 12% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 12%. Calculation of compensation for permanent disability is assessed as follows:-

Annual income before the accident	₹72,000/-
Loss of future earning capacity 12% of annual income.	₹8,640/-
Multiplier with reference to age	17
Loss of future earning	₹1,46,880/-

46. It is worthwhile to mention here that on account of vehicular accident, the claimant suffered fracture on his wrist, shoulder along with other injuries on his various body parts and he had taken treatment in SAL Hospital. It must be accepted that even after discharge from the

hospital, the claimant remained confined to his home and unable to work for at least two months. He is, therefore, entitled to compensation for loss of income for two months during treatment. For loss of income of two months during treatment, the claimant is entitled to compensation of ₹12,000/-.

47. It is not possible to exactly compensate claimant for the pain, shock and suffering, which she had actually suffered because of the injuries and disability. Hence, keeping in view the extent and nature injuries suffered by the claimant as well as duration of treatment taken by him, compensation for pain, shock & suffering works out to ₹15,000/-.

48. In view of the above fact, circumstances and discussion made here in above the claimant is entitled for the following amount as compensation:

Loss of future earning	₹1,46,880/-
Loss of income during treatment	₹12,000/-
Medical Expense	₹2,28,852/-
pain, shock & suffering	₹15,000/-
Transportation, attendant, special diet.	₹15,000/-
Total ...	₹4,17,732/-
Less 70% : Self negligence of the claimant	₹2,92,412/-
Total Compensation...	₹1,25,320/-

49. In all, claimant is found entitled to a sum of ₹1,25,320/- on the all the above count as just compensation.

MAC PETITION NO. 846 OF 2014

50. The claimants pleaded that at the time of accident, the deceased was 50 years old. The claimants have brought on record copy of school leaving certificate of the deceased vide Exhibit:65, which shows that date of birth of the deceased is 23.12.1962. Therefore, in absence of any evidence, this Tribunal is of the opinion that age of the deceased, at the time of accident, was around 49 years 11 months 18 days. Hence, in view of Judgment of the Hon'ble Supreme court in the case of **Sarla Verma v. Delhi Transport Corporation : 2009 ACJ 1298**, a multiplier of '13' is to be taken for the purpose of computing loss of dependency since age of the deceased was between the age group of 46 years to 50 years.
51. Claimants pleaded that at the time of the deceased was housewife and her monthly income at the time of accident may be considered as ₹8,000/- per month. The claimants have not produced any evidence in context of income of the deceased. Hence, considering the prevalent minimum wages in the State of Gujarat, monthly income of the deceased, at the time of accident, is derived at ₹5,000/- for the purpose of computing loss of future dependency.
52. Considering the ratio laid down in the case of **National Insurance Co. Ltd. Vs. Pranay Sethi and Ors.** In Special Leave Petition (Civil) No. 25590 of 2014 delivered on 31.10.2017 by the Hon'ble Supreme Court, an addition of 25% is required to be added in the income of the deceased, which comes to ₹6,250/- per month [₹5,000/- + ₹1,250/-

(25% of ₹5,000/-)].

53. Now for the purpose of living expenses of deceased, it is worthwhile to quote observation of Hon'ble Supreme Court in the case of as per the judgment of the Hon'ble Supreme Court given in the case of ***Sarla Verma v. Delhi Transport Corpn. (Supra)***, it appears that the claim petition has been filed by the son of the deceased. It appears that the respondent no.2 is the husband of the deceased. Accordingly, 1/3 amount i.e. ₹2,083/- as personal expenses of the deceased, requires to be deducted from ₹6,250/-, therefore, net monthly dependency comes to ₹4,167/-.

Loss of dependency = 4,167/- (monthly dependency) x 12 x 13 (multiplier) = ₹6,50,052/-, which is granted to the petitioners under the head of loss of dependency.

NON PECUNIARY LOSS :

54. Non-pecuniary loss includes compensation under the head of loss of estate; loss of expectancy of life; pain, shock and suffering; etc.

55. Now, the above heads are concerned, in view judgment passed in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi (supra)***, wherein, the Hon'ble Apex Court has specifically observed that "Reasonable figures on conventional heads, namely, Loss of Estate and funeral expenses should be ₹15,000/- and ₹15,000/- respectively. Therefore, in view of the above facts, a sum of ₹30,000/-. Over and above this figure, the petitioner is entitled to get

a sum of ₹40,000/- under the head of consortium as per judgment in case *Magma General Insurance Company Ltd. Vs. Nanuram alias Chuhuram & Others (Civil Appeal No. 9581 of 2018)*.

56. It is worthwhile to mention here that claimant has brought on record medical bills on treatment, hospitalization, medicines, investigation, etc. of the deceased vide Exhibit:66. The Ld. Advocate for the claimant in his written arguments at Exhibit:122 has submitted that out of ₹2,01,377/-, the claimant has already received a sum of ₹1,12,314/- and, therefore, a sum of ₹1,00,000/- may be granted under the head of medical expense. Hence, a sum of ₹90,000/- is awarded under the head of medical expense.

57. From the record, it appears that the deceased underwent treatment for eight days. Hence, a sum of ₹10,000/- is awarded towards the head of transportation, attendant, special diet, etc. Further, keeping in view the extent and nature injuries suffered by the claimant as well as duration of treatment taken by him, compensation for pain, shock & suffering works out to ₹10,000/-.

So, while calculating the compensation including all the above heads same arrives as follows:

Different heads	Amount
As against loss of dependency.	6,50,052/-
As against loss of Estate and funeral expenses.	30,000/-

As against loss of consortium.	40,000/-
As against medical expense.	90,000/-
As against special diet, transportation and attendant charges, etc.	10,000/-
As against pain, shock and suffering.	10,000/-
Total Rs.	8,30,052/-

In all, claimants are entitled to **₹8,30,052/-** as just compensation.

MAC PETITION NO. 1130 OF 2014

58. It has been pleaded that the claimant was aged around 55 years at the time of accident. The claimant has produced his Aadhar Card at Exhibit:78, in which, his date of birth is mentioned as 04.12.1957. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 55 years 06 days at the time of accident. Hence, in view of Judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation : 2009 ACJ 1298 and the Schedule-II of the M.V.Act**, a multiplier of '11' is to be taken for the purpose of computing loss of future earning.

59. Upon going through the pleadings of the parties, it appears that the claimant had suffered fracture on his right ankle, right hip and left hip with other injuries on various body parts. In these circumstances considering the nature of injuries, the treatment required for such injuries, age of the claimant, his requirement for special diet were certainly the need of hour. Hence, taking into cumulative effect of the injuries into consideration a sum of **₹25,000/-** is

awarded towards the head of transportation, attendant, special diet, etc.

60. It is worthwhile to mention here that claimant has incurred expense of more than rupees seventeen lakhs on his treatment, hospitalization, medicines, investigation, etc. However, the claimant in his written arguments has submitted that vide Exhibits:90, 91, 92, 93, 94 and 95, he had received some amount through his own mediclaim policy and he has not received a sum of ₹10,43,380/- spent on his treatment. Hence, a sum of ₹10,50,000/- is awarded under the head of medical expense.

61. It is the case of the claimant at the time of accident, he was running a firm in the name of Hardik Sales. The claimant has placed on record Income-Tax Returns submitted by him for the Assessment Years 2012-2013, 2013-2014, 2015-2016 and 2016-2017 vide Exhibits:97 to 100 respectively. It is pertinent to note here that the income tax returns submitted by the claimant prior to the date of accident are relevant for the purpose of determining the income of the claimant at the time of accident. As such, from Income-Tax Returns for the Assessment Year 2012-2013, which is available on record vide Exhibit:97, it appears that annual income of the claimant is ₹4,00,917/- and after deducting requisite income tax liability i.e. ₹15,497/-; annual income of the claimant at the time of accident is derived at ₹3,85,420/-.

62. Now so far as sustaining serious injuries resulting in

permanent disablement is concerned, the claimant has produced disability certificate issued by Dr. P. M. Vekaria, in which, permanent functional disability suffered by the claimant is shown as 47% in context of whole body. Exhibit:85 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 26% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 26%. Calculation of compensation for permanent disability is assessed as follows:-

Annual income before the accident	₹3,85,420/-
Loss of future earning capacity 26% of annual income.	₹1,00,209/-
Multiplier with reference to age	11
Loss of future earning	₹11,02,299/-

63. It is worthwhile to mention here that on account of vehicular accident, the claimant suffered fracture on his right ankle as well as right and left hips along with other injuries on his various body parts and he had taken treatment in various Hospitals. It must be accepted that even after discharge from the hospital, the claimant remained confined to his home and unable to work for at least four months. He is, therefore, entitled to compensation for loss of income for four months during treatment. For loss of income of four months during treatment, the claimant is entitled to compensation of ₹1,28,473/-.

64. It is not possible to exactly compensate claimant for the pain, shock and suffering, which she had actually suffered because of the injuries and disability. Hence, keeping in view the extent and nature injuries suffered by the claimant as well as duration of treatment taken by him, compensation for pain, shock & suffering works out to ₹125,000/-.

65. In view of the above fact, circumstances and discussion made here in above the claimant is entitled for the following amount as compensation:

Loss of future earning	₹11,02,299/-
Loss of income during treatment	₹1,28,473/-
Medical Expense	₹10,50,000/-
pain, shock & suffering	₹25,000/-
Transportation, attendant, special diet.	₹25,000/-
Total ...	₹23,30,772/-
Less 70% : for Non-joinder of driver/owner/insurer of Alto Car.	₹16,31,540/-
Total Compensation...	₹6,99,232/-

66. In all, claimant is found entitled to a sum of ₹6,99,232/- on the all the above count as just compensation.

LIABILITY:

67. As discussed herein above, this Tribunal held that, for accident dated 10.12.2012, the claimant namely Pathikbhai Gandhi who was driving Alto Car bearing registration no.GJ-2-AP-6392 was negligent to the tune of 70%, whereas, the driver of Dumper bearing registration No.GJ-

13-X-118 was negligent to the extent of 30% in causing the accident. The respondent no.3-HDFC Ergo General Insurance Company Ltd. in its written statement filed at Exhibit:29 (MAC Petition No.846/2014) has submitted that the insurance policy of Alto Car bearing registration No.GJ-2-AP-6392 was in force for the period from 16.01.2012 to 15.01.2013, as such, it is clear that on the date of accident i.e. on 10.12.2012, Alto car was validly insured with the respondent no.3-HDFC Ergo General Insurance Co. Ltd. Further, the claimants have produced a copy of certificate of insurance policy of Dumper bearing registration No.GJ-13-X-118 vide Exhibit:109, whereby, it appears that validity of insurance policy of the offending vehicle was between 16.11.2012 to 15.11.2013, which covers the date of accident i.e. 10.12.2012. Accordingly, for claim petitions bearing MAC Petitions No.923/2013, 1189/2013 and 846/2014, the respondents no.1 to 3 who are driver, owner and insurer of Alto Car bearing registration No.GJ-2-AP-6392 and the respondents no.4 to 6 who are driver, owner and insurer of Dumper bearing registration no. GJ-13-X-118 are jointly and severally liable to indemnify the claimants. For claim petitions bearing MAC Petitions No.364/2014 & 1130/2014 the respondents no.1 to 3 who are driver, owner and insurer of Dumper bearing registration no. GJ-13-X-118 are jointly and severally liable to pay compensation to the claimants.

68. Even though liability has been apportioned to each tortfeasor, but, the deceased Ritaben along with other

claimants namely Jinalben and Hardikbhai were third party and as discussed above, the drivers of both vehicles involved in the accident were responsible for the accident and it was a composite negligence qua them. In case of composite negligence, the claimants are entitled to seek compensation either from the drivers of both vehicles or can recover the entire amount of compensation from any of the driver of any vehicle because in case of composite negligence, liability is joint and several.

69. Looking to the facts and circumstances of the present case, prevalent rate of interest in nationalized bank and considering Judgments of the Superior Courts, it would be just and proper to award interest at the rate of 9% per annum. Therefore, looking to the circumstances of the case, the petitioners are awarded interest from the date of the petition till the realization of the amount. These issues are decided accordingly and on the final issue, following order is passed in the interest of justice:

ORDER

MAC PETITION NO. 923 OF 2013

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents.
- The Petitioner is entitled to recover **₹3,70,192/- (Rupees Three Lakh Seventy Thousand One Hundred Ninety Two only)** with proportionate cost and interest at the rate of 9% per annum from the date of filing of the claim petition till realization of the amount from the respondents in their

joint and several capacity.

MAC PETITION NO. 1189 OF 2013

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents.
- The Petitioner is entitled to recover **₹3,07,840/- (Rupees Three Lakh Seven Thousand Eight Hundred Forty only)** with proportionate cost and interest at the rate of 9% per annum from the date of filing of the claim petition till realization of the amount from the respondents in their joint and several capacity.

MAC PETITION NO. 364 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents.
- The Petitioner is entitled to recover **₹1,25,320/- (Rupees One Lakh Twenty Five Thousand Three Hundred Twenty only)** with proportionate cost and interest at the rate of 9% per annum from the date of filing of the claim petition till realization of the amount from the respondents in their joint and several capacity.

MAC PETITION NO. 846 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents.
- The Petitioner is entitled to recover **₹8,30,052/- (Rupees Eight Lakh Thirty Two Thousand Fifty Two only)** with proportionate cost and interest at the rate of 9% per annum from the date of filing of the claim petition till realization

of the amount from the respondents in their joint and several capacity.

MAC PETITION NO. 1130 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents.
- The Petitioner is entitled to recover **₹6,99,232/- (Rupees Six Lakh Ninety Nine Thousand Two Hundred Thirty Two only)** with proportionate cost and interest at the rate of 9% per annum from the date of filing of the claim petition till realization of the amount from the respondents in their joint and several capacity.

- (1) The respondents are jointly and severally directed to deposit the above amount of award in the office of this Tribunal, after deducting the amount of interim compensation, if any, paid under section 140 of the Motor Vehicle Act, within one month from the date of this order.
- (2) On depositing of the above amount of award by the respondents in this Tribunal, deficit amount of Court Fee Stamp, if any, on the awarded amount be deducted first and thereafter, remaining amount be disbursed to the Petitioner. For MAC Petitions No.923 of 2013; 1189 of 2013; 846 of 2014 and 1130 of 2014. Out of the remaining payable amount, 70% of the amount be deposited in the name of the Petitioner, in any nationalized bank of the choice of the petitioner for the period of 5 years and the remaining 30% be paid to the Petitioner through NEFT/RTGS. For MAC Petition No.364 of 2014, the remaining payable amount be paid to the Petitioner

through NEFT/RTGS.

- (3) Respondents are hereby directed to deposit the aforesaid amounts before this Tribunal within one month from the date of this order. Further, in view of the directions of the Hon'ble Supreme Court in the case of **Bajaj Allianz General Insurance Company Pvt. Ltd. Vs. Union of India & Ors.** in **W.P. (Civil) No.534/2020** and the directions of the Hon'ble High Court, respondents are directed to deposit the aforesaid amounts by way of Direct Bank Transfer through NEFT or RTGS only to the below mentioned Bank Account of this Claims Tribunal.

Bank Name. : State Bank of India, Bhadra Branch, Lal Darwaja, Ahmedabad – 380001.

Bank Account Name. : PRINCIPAL DIST. JUDGE ABAD RURAL MACP.

Bank Account No. : 00000040722625356

Bank IFSC Code. : SBIN0000301

Bank MICR Code. : 380002002

- (4) Further, after deposit of the awarded amount, the respondents are instructed to ensure that deposit of the awarded amount, along with payment advice by way of direct bank transfer to the above said Bank Account in compliance of the Award passed by the Tribunal is accomplished by furnishing the following information in the format prescribed herein below to the Nazir Department of this Tribunal for maintaining the account MACP Deposits by the Court, and also inform to the petitioners herein.

MACP No. :

On the file of :
 (Claims Tribunal Name)
 Name of the Petitioner/s. :
 Date of Award. :
 Compensation Amount. :
 Name of the bank who Deposit the :
 amount.
 Income Tax Deduction at Source. :
 Bank Transaction Ref. No. :
 Unique Transaction Ref. No. (UTR) No.

- The disbursal of compensation amount shall be made directly to the credit of the bank account of the petitioners by NEFT or RTGS.
- The claimant(s) shall produce copy of their Bank Passbook, Adhar Card and PAN Card within 1 (One) Month from the date of this Order.
- The claimant(s) shall be entitled to receive periodical interest on the Fixed Deposits, but shall not be entitled to raise loan or advance without the prior permission of this Tribunal.
- The Respondents are directed to follow and comply with the directions and guidelines laid down by the Hon'ble Apex Court in case of ***the Oriental Insurance Company Vs. Chief Commissioner of Income-Tax (TDS) in R/SPCA NO.4800/2021 decided on 05.04.2022*** for the purpose of Income Tax.
- Registry, Claimant(s), Respondents and the concerned bank/s shall ensure compliance of the directions of the Hon'ble Supreme Court in the case of Bajaj Allianz

General Insurance Company Pvt. Ltd. Vs. Union of India
& Ors. in W.P.(Civil) No.534/2020.

- A copy of this judgment be placed in the file of other group matters also.
- Pending application(s), if any, stands disposed off accordingly.
- Award be drawn accordingly.

Signed and pronounced today i.e. on **05th May, 2026**.

(Dipen Dilipkumar Buddhdev)
MACT (Aux.) &
4th Additional District Judge,
Ahmedabad [Rural] at Navarangpura
UNIQUE ID CODE NO.GJ00612