Filed on :	09/05/2014
Registered on:	09/05/2014
Decided on :	10/04/2026
Duration :	Yrs / Mts / Dys
Exhibit :	

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

MAC PETITION NO. 800 OF 2014.

Petitioner(s):
Niruben Ramanbhai Devipujak
Age: 53 Years, Occupation : Clothes Selling,
Residing at : 238/61, Deviputra Vas,
Akhiyana, Taluka Patadi, District Surendranagar.

VERSUS

Respondents:
Bolero Jeep bearing registration no. GJ-12-AU-2966

1) **Hakabhai Khodabhai Ahir (Driver)**
Residing at : In the House of Jerambhai Thakor,
Nani Devati, At Taluka Sanand, District Ahmedabad.

2) **Jayprakash G. Lalwani (Owner)**
Residing at: SGX/92, Adipur,
District Kachchh.

3) **Reliance General Insurance Company Ltd. (Insurer)**
At: Reliance House, Ajay Bungalows,
Near HDFC Bank, Mithkhali Six Roads,
Navrangpura, Ahmedabad.

Filed on :	09/05/2014
Registered on:	09/05/2014
Decided on :	10/04/2026
Duration :	Yrs / Mts / Dys

Exhibit :			

MAC PETITION NO. 801 OF 2014.

Petitioner(s):
Minor Rinkuben Rohitkumar Devipujak
Age: 6 Years, Occupation : Study,
Since minor, she is represented through her legal guardian
Rohitkumar Ramanbhai Devipujak
Age : Adult, Occupation : Labour Work,
Residing at : 238/61, Deviputra Vas, Akhiyana,
Taluka Patadi, District Surendranagar.

VERSUS

Respondents:

Bolero Jeep bearing registration no. GJ-12-AU-2966

1) **Hakabhai Khodabhai Ahir (Driver)**
Residing at : In the House of Jerambhai Thakor,
Nani Devati, At Taluka Sanand, District Ahmedabad.

2) **Jayprakash G. Lalwani (Owner)**
Residing at: SGX/92, Adipur,
District Kachchh.

3) **Reliance General Insurance Company Ltd. (Insurer)**
At: Reliance House, Ajay Bungalows,
Near HDFC Bank, Mithkhali Six Roads,
Navrangpura, Ahmedabad.

Filed on :	09/05/2014		
Registered on:	09/05/2014		
Decided on :	10/04/2026		
Duration :	**Yrs**	**Mts**	**Dys**
Exhibit :			

MAC PETITION NO. 802 OF 2014.

Petitioner(s):
Monaben Subhashbhai Devipujak (Vaghari)
Age : 21 Years, Occupation : Clothes Selling,
Residing at : 238/61, Deviputra Vas, Akhiyana,
Taluka Patadi, District Surendranagar.

VERSUS

Respondents:

Bolero Jeep bearing registration no. GJ-12-AU-2966
~~1) **Hakabhai Khodabhai Ahir (Driver)**~~
[Deleted vide order passed below Exhibit:13]

2) **Jayprakash G. Lalwani (Owner)**
Residing at: SGX/92, Adipur,
District Kachchh.

3) **Reliance General Insurance Company Ltd. (Insurer)**
At: Reliance House, Ajay Bungalows,
Near HDFC Bank, Mithkhali Six Roads,
Navrangpura, Ahmedabad.

Filed on :	12/05/2014		
Registered on:	12/05/2014		
Decided on :	10/04/2026		
Duration :	Yrs	Mts	Dys
Exhibit :			

MAC PETITION NO. 814 OF 2014.

Petitioner(s):
Subhashbhai Ramanbhai Devipujak (Vaghari)
Age : 23 Years, Occupation : Clothes Selling,
Residing at : 238/61, Deviputra Vas, Akhiyana,
Taluka Patadi, District Surendranagar.

VERSUS

<u>Respondents</u>:

Bolero Jeep bearing registration no. GJ-12-AU-2966
1) **Hakabhai Khodabhai Ahir (Driver)**
Residing at : In the House of Jerambhai Thakor,
Nani Devati, At Taluka Sanand, District Ahmedabad.

2) **Jayprakash G. Lalwani (Owner)**
Residing at: SGX/92, Adipur,
District Kachchh.

3) **Reliance General Insurance Company Ltd. (Insurer)**
At: Reliance House, Ajay Bungalows,
Near HDFC Bank, Mithkhali Six Roads,
Navrangpura, Ahmedabad.

Filed on :	**09/05/2014**		
Registered on:	**09/05/2014**		
Decided on :	**10/04/2026**		
Duration :	**Yrs**	**Mts**	**Dys**
Exhibit :			

MAC PETITION NO. 815 OF 2014.

<u>Petitioner(s):</u>
Minor Ayush Subhashbhai Devipujak
Age : 4 Years, Occupation : Study,
Since minor through his Legal Guardian,
Subhashbhai Ramanbhai Devipujak (Vaghari)
Age: 23 Years, Occupation: Business,
Residing at : 238/61, Deviputra Vas, Akhiyana,
Taluka Patadi, District Surendranagar.

VERSUS

<u>Respondents</u>:

Bolero Jeep bearing registration no. GJ-12-AU-2966
1) **Hakabhai Khodabhai Ahir (Driver)**

Residing at : In the House of Jerambhai Thakor,
Nani Devati, At Taluka Sanand, District Ahmedabad.

2) **Jayprakash G. Lalwani (Owner)**
Residing at: SGX/92, Adipur,
District Kachchh.

3) **Reliance General Insurance Company Ltd. (Insurer)**
At: Reliance House, Ajay Bungalows,
Near HDFC Bank, Mithkhali Six Roads,
Navrangpura, Ahmedabad.

Appearance:

Mr. P. K. Rathod : Ld. Advocate for petitioners.

None for the respondent no.2.

Ms. A. M. Mistry : 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 them a in a motor-vehicular accident, which took place on 25.11.2013.

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 31.07.2024 passed below Exhibit:14 in MAC Petition No.800 of 2014 and evidence was recorded in claim petition bearing MAC Petition No.800 of 2014 and now all these claim petitions are being decided by this common judgment.

3. Claimants pleaded that on 25.11.2013, the claimants along with others boarded Bolero Jeep bearing registration no.GJ-12-AU-2966 (hereinafter referred to as "the offending vehicle") from Hansalpur and they were heading towards Akhiyana. It has been further pleaded that the respondent no.1 was driving the offending vehicle in full speed, in rash and negligent manner and without following the traffic rules. It has been further pleaded that at around 08:30 am, when they were passing through the road near Vadgas Village Patiya, at that time, one cow came on the road. As a result of which, the respondent no.1 applied sudden brakes, however, he lost his control over the steering of the vehicle and the offending vehicle was capsized. Due to which, the claimants were thrown out of the offending vehicle and they suffered serious injuries on their body parts. It has been averred in the claim petition that accident was an outcome of rash and negligent driving of the offending vehicle by the respondent no.1 and crime regarding accident was reported in Viramgam Police Station vide I-C.R.No.142/2013. As such, the claim petition bearing MAC Petition No.800 of 2014 has been filed claiming compensation of ₹6,00,000/- on account of injuries sustained by the claimant Niruben Ramanbhai Devipujak (Vaghari); MAC Petition No. 801 of 2014 has been preferred seeking compensation of ₹3,00,000/- on account of injuries sustained by the claimant Minor Rinkuben Devipujak; MAC Petition No.802 of 2014 has been filed seeking compensation of ₹3,00,000/- on account of injuries sustained by the claimant Monaben

Subhashbhai Devipujak (Vaghari); MAC Petition No.814 of 2014 has been filed claiming compensation of ₹2,00,000/- on account of injuries sustained by the claimant Subhash Ramanbhai Devipujak (Vaghari) and MAC Petition No.815 of 2014 has been filed seeking compensation of ₹1,00,000/- on account of injuries suffered by the claimant Minor Ayush Subhashbhai Devipujak (Vaghari).

4. It is worthwhile to mention here that no one has appeared on behalf of the respondent no.2 to contest these claim petitions. In MAC Petition No.802 of 2014, the respondent no.1 was ordered to be deleted from the array of the parties of the claim petition vide order passed below Exhibit:13.

5. Upon service of summons, the respondent no.3-insurance company entered its appearance through its Ld. Advocate in all these claim petitions and filed separate, but, identical written statements (in all claim petitions) denying the averments of the claim petitions in its entirety. It has been averred that the claimants were travelling as gratuitous passengers in the goods carrying vehicle and it is breach of conditions of insurance policy. It has been further averred that at the time of accident, the offending vehicle was plied without valid and effective permit and fitness certificate. It has been further averred that the driver of the offending vehicle was not holding valid, effective and legal driving licence. 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. An application under Section 170 of M. V. Act was filed by the Ld. Advocate for the Ld. Advocate for the respondent no.3-insurance company vide Exhibit:19, which was allowed by the Ld. Predecessor Tribunal vide order dated 07.05.2025.

<u>Issues and findings of the Court :-</u>

7. From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.800 of 2014 vide Exhibit:12:

    1. Whether the petitioner/petitioners proves/prove that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
    2. Whether the petitioner/petitioners are/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?

8. From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.801 of 2014 vide Exhibit:15:-

    1. Whether the petitioner/petitioners proves/prove that claimant sustained injuries

because of rash and negligent driving of the driver of the vehicle involved in the accident?

2. Whether the petitioner/petitioners are/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?

9. From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.802 of 2014 vide Exhibit:18:-

    1. Whether the petitioner/petitioners proves/prove that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
    2. Whether the petitioner/petitioners are/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?

10. From the pleadings of the parties, following issues were framed by the Ld. Predecessor Tribunal in MAC Petition No.814 of 2014 vide Exhibit:15:-

    1. Whether the petitioner/petitioners proves/prove that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
    2. Whether the petitioner/petitioners are/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.815 of 2014 vide Exhibit:12:-

1. Whether the petitioner/petitioners proves/prove that claimant sustained injuries because of rash and negligent driving of the driver of the vehicle involved in the accident?
2. Whether the petitioner/petitioners are/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

12. Claimant Niruben Ramanbhai Devipujak has examined herself who had filed her examination-in-chief affidavit as available at Exhibit:15 reiterating the averments of the claim petition. In her cross-examination by the Ld. Advocate for the respondent no.3-insurance company, she

deposed that at the time of accident, she was accompanied by her daughter-in-law, two sons, two grandsons and one granddaughter. She deposed that they boarded Bolero car from Hansalpur Crossroads. She deposed that police has not investigated her. She deposed that she was not possessing mobile phone. She deposed that mobile number of her son Rahul is 8447619283. She deposed that she has studied up to 3rd standard and she knows reading and writing. She admitted that she informed her advocate regarding the manner in which the accident had taken place as well as other details and on the basis of the same, the claim petition has been filed. She deposed that the claim petition was read over to her and it was as per facts narrated by her. She admitted that rear body of Bolero car was open. She admitted that he along with her family members were seated on rear side of Bolero. She voluntarily stated that they were seated with the clothes. She admitted that in her claim petition as well as statement recorded by the police, she has not mentioned that she boarded Bolero Jeep with clothes. She denied the suggestion that when they were seated in Bolero Jeep, they were not carrying any goods. She admitted that she is not having any proof that they were seated in Bolero Jeep carrying clothes. She denied the suggestion that in order to get compensation, she is falsely deposing that they boarded the goods carriage vehicle carrying clothes. She denied the suggestion that as they were travelling as passengers in the vehicles and that is why, anywhere it has not been mentioned that they sat with goods. She admitted that she is not having any proof regarding her business and income. She voluntarily deposed that she can just do household work. Apart from above, she denied other suggestion so put to her.

13. Legal Guardian of Minor Claimant has also examined himself who had filed his examination-in-chief affidavit as available at Exhibit:16 reiterating the averments of the claim petition. He deposed that at the time of accident, his minor daughter Rinku boarded Bolero Jeep with his family members from Hansalpur Crossroads. He deposed that police did not investigate from him. He deposed that mobile number 8447619283 is belong to his brother Rahul. He deposed that at the time of accident, he was not accompanying them. He stated that he is not having any personal knowledge about the accident. He deposed that he has studied up to 3rd standard and he knows reading and writing. He deposed that he furnished the details pertaining to the manner in which the accident had taken place along with other information to his Advocate and on the basis of those details, his Advocate filed the claim petition. He deposed that the claim petition was read over to him and contents of the same are according to facts narrated by him. He admitted that rear body of Bolero Jeep was open. He admitted that his daughter and other family members were seated on rear side. He voluntarily deposed that they were carrying goods (clothes) with them. He admitted that in claim petition as well as statement recorded by police, they have not disclosed that they were carrying clothes. He

denied the suggestion that when they were seated in Bolero Jeep, they were not carrying any goods. He admitted that he is not having any proof that they were seated in Bolero Jeep carrying clothes. He denied the suggestion that in order to get compensation, he is falsely deposing that they boarded the goods carriage vehicle carrying clothes. He stated that her daughter has studied up to 2^{nd} standard and at present she is doing household work. Apart from this, he denied other suggestion put to him.

14. Claimant Monaben Subhashbhai Devipujak has examined herself who had filed her examination-in-chief affidavit as available at Exhibit:20 reiterating the averments of the claim petition. In her cross-examination by the Ld. Advocate for the respondent no.3-insurance company, she deposed that at the time of accident, she was accompanied by her mother-in-law, her niece Rinku, nephews Ayush and Aryan and her husband. She deposed that they were returning from Gaziyabad to their native Akhiyana. She deposed that they were doing work of Clothes in Gaziyabad. She deposed that they came from Gaziyabad for doing business of clothes. She deposed that they were not submitting Income-Tax Returns. She deposed that they reached Hansalpur crossroads and in order to reach to their native place, they boarded Bolero Jeep from there. She admitted that rear side of Bolero Jeep was open and they were seated on the open portion of Bolero Jeep. She stated that she has not undergone any study. She admitted that she informed her advocate regarding the manner in which

the accident had taken place as well as other details and on the basis of the same, the claim petition has been filed. She deposed that contents of the claim petition was read over to her and the same were as per facts narrated by her. She denied that they were seated as passenger in Bolero Jeep. She deposed that they reached Viramgam by boarding Okha-Dehradun Train from Gaziyabad and by boarding one Auto-Rickshaw, they all reached Hansalpur. She stated that Rahul is her brother-in-law and she was also accompanying her in the car. She admitted that at the time of accident, she was aged around 26 years. She admitted that she has not produced any evidence pertaining to her treatment as an outdoor patient. She stated that at present she is residing at Gaziyabad along with her family members. She stated that she is residing with her mother-in-law, father-in-law, two children and her husband. She deposed that they came here for doing business of clothes. She admitted that she is not having any proof regarding her business and income. Apart from above, she denied other suggestion so put to her.

15. Claimant Subhashbhai Ramanbhai Devipujak (Vaghari) has examined himself who had filed his examination-in-chief affidavit as available at Exhibit:21 reiterating the averments of the claim petition. In his cross-examination by the Ld. Advocate for the respondent no.3-insurance company, she deposed that at the time of accident, he was accompanied by his mother, his brother’s daughter Rinku, his two sons Ayush and Aryan and his wife Monaben. He

deposed that they were returning from Gaziyabad to their native Akhiyana. He deposed that they were doing labour work in Gaziyabad. He voluntarily stated that they were doing business of clothes. He admitted that his family members had gone to Gaziyabad for staying with him. He deposed that they reached Hansalpur crossroads and therefrom, they boarded Bolero Jeep to reach to their native. He admitted that rear side of Bolero Jeep was open and they were seated on the open portion of Bolero Jeep. He stated that he was failed in 8th standard and he knows about reading and writing. He admitted that he informed his advocate regarding the manner in which the accident had taken place as well as other details and on the basis of the same, the claim petition has been filed. He deposed that contents of the claim petition was read over to him and the same were as per facts narrated by him. He denied that they were seated as passengers in Bolero Jeep. He deposed that they reached Viramgam by boarding Okha-Dehradun Train from Gaziyabad and by boarding one Auto-Rickshaw, they all reached Hansalpur. He stated that Rahul is his younger brother and he was also accompanying him in the car. He admitted that at the time of accident, he was aged around 27 to 28 years. He admitted that he has not produced any evidence pertaining to his treatment as an outdoor patient. He admitted that he has not produced any evidence with regard to his age. He deposed that at present he is residing at Akhiyana with his family. He deposed that he is residing with his parents and his family members. He admitted that his family is dependent upon his income. He admitted that he has no proof regarding his business and income. Apart from above, he denied other suggestion so put to him.

16. Legal Guardian of Minor Claimant has also examined himself who had filed his examination-in-chief affidavit as available at Exhibit:22 reiterating the averments of the claim petition. He deposed that at the time of accident, his minor son Ayush boarded Bolero Jeep with his family members from Hansalpur Crossroads. He deposed that police investigated from him and what he spoke was noted down by them in one paper. He admitted that they disclosed before police that they were residing in Gaziyabad and were doing labour work. He deposed that mobile number 8447619283 is belong to his brother Rahul. He deposed that at the time of accident, he was accompanying them. He deposed that he was failed in 8th standard examination and he knows reading and writing. He deposed that he furnished the details pertaining to the manner in which the accident had taken place along with other information to his Advocate and on the basis of those details, his Advocate filed the claim petition. He deposed that the claim petition was read over to him and contents of the same are according to facts narrated by him. He admitted that rear body of Bolero Jeep was open. He admitted that his son and other family members were seated on rear side. He admitted that he has not produced any evidence to show that his son underwent treatment for three months. He deposed that at present age of his son is

15 years and he has studied up to 2^{nd} to 3^{rd} Standard. He stated that his son is doing small/medium business. He voluntarily deposed that he suffered injuries on his hand and due to the injury suffered by him in the accident, he is not able to work and, therefore, his son is helping him in his work. Apart from this, he denied other suggestion put to him.

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

Exhibit	Documents
25	Copy of Aadhar Card of claimant Niruben.
26	Copy of Aadhar Card of the claimant minor Rinkuben.
27	Copy of Aadhar Card of the claimant Monaben.
28	Copy of Aadhar Card of the claimant Subhashkumar.
29	Copy of Aadhar Card of the claimant Ayush.
32	Copy of complaint.
33	Copy of panchnama.
34	Radiology examination report of the claimant Niruben.
35	X-ray examination report of the claimant Rinkuben.
36	X-ray examination report of the claimant Monaben.
37	X-ray examination report of the claimant Subhashbhai.
38	Copy of MLC Certificate of the claimant Niruben.
39	Copy of MLC Certificate of the claimant Rinkuben.

40	Copy of MLC Certificate of the claimant Monaben.
41	Copy of MLC Certificate of the claimant Subhashbhai.
42	Copy of MLC Certificate of the claimant Ayushbhai.
45	Various medical bills on treatment of the claimant Niruben.
46	Various medical bills on treatment of the claimant Rinkuben.
47	Various medical bills on treatment of the claimant Monaben.
48	Various medical bills on treatment of the claimant Subhashbhai.

17. On the other hand, the Ld. Advocate for the respondent no.3-insurance company has examined witness namely Dayanandgiri Vishnugiri Goswami vide Exhibit:53 who deposed that on 25.11.2013, he was posted as ASI in Viramgam Rural Police Station. He deposed that he investigated crime bearing I-C.R.No.142/2013 for the offences punishable under Sections 279, 337, 338 of IPC coupled with Sections 177 and 184 of IPC. He deposed that offending vehicle was Bolero Pick UP bearing registration no.GJ-12-AU-2966 and that was having open body. He deposed that it was goods carrying vehicle. He deposed that the complainant in his complaint at Exhibit:32 has not disclosed that whether the claimants were seated with goods or not. He identified his signature on panchnama of place of accident, which was prepared by him. He deposed that panchnama does not contain anything regarding goods lying in the vehicle or the road.

He deposed that the vehicle was not carrying any goods and, therefore, it was not mentioned. He identified his signature on the copy of statement of Subhashbhai, Monaben and Niruben recorded by him, which are exhibited as Exhibits:54, 55 and 56. He deposed that the statements were recorded as dictated by them. He deposed that in their statement, they have not stated that they were seated in the vehicle carrying goods. He deposed that they did not complain that their goods were stolen. In his cross-examination by the Ld. Advocate for the claimants, whereby, he admitted that as he has not seen the accident personally, he is not aware about the manner in which the accident had taken place. He admitted that he has not registered the complaint. He voluntarily stated that the complaint in connection with accident was registered by Naynaben, AIS/PSI. He stated that he has read the contents of the complaint, as the same is a part of his investigation. He stated that panchnama was drawn on 02:30 pm. He stated that panchnama was drawn after six hours. He admitted that he drawn panchnama of place of accident. He admitted that he cannot say that as to whether the injured persons have left with their goods lying in the vehicle.

18. The respondent no.3-insurance company has tendered an examination-in-chief affidavit of the witness namely Pratik L. Sheth vide Exhibit:60, in which, it has been averred that goods carrying vehicle Mahindra Bolero Pickup No.GJ-12-AU-2966 involved in the accident was insured with

Reliance General Insurance Company vide policy No.1607532334000428. It has been further averred that the the offending vehicle was registered as LCV and the owner of the vehicle has obtained Goods Carrying Policy for the said vehicle from Reliance General Insurance Company Limited. It has been further averred that vehicle was registered and insured as a goods carrying vehicle, the owner was not allowed/permitted to use said goods carrying vehicle as a passengers carrying. It has been further averred that the owner of the vehicle was not allowed to use the vehicle for the carrying of gratuitous passengers or fair paying passengers. It has been averred that the vehicle is meant only for carrying goods. It has been further averred that at the time of accident, the vehicle was plying for carrying of gratuitous passengers without goods on hire basis. It has been further averred that occupants/injured applicants were travelling in the said goods carrying vehicle are not third party and their risk is not covered. It has been further averred that since the injured applicants were travelling in the said vehicle as gratuitous passengers, this being a breach of specific condition of the police, the insurance company cannot be held liable for the payment of compensation. It has been further averred that 7 passengers were travelling in this vehicle and it is more than seating capacity of the vehicle, this being also a breach of specific condition of insurance policy, the respondent no.3 cannot be held liable for the payment of compensation. In his cross-examination by the Ld. Advocate for the claimants, he admitted that he has no personal knowledge about this case. He admitted that he has not met with driver and owner of Vehicle bearing registration no.GJ-12-AU-2966. He admitted that driver and owner were not issued any notice in respect of breach of terms and conditions of insurance policy. He admitted that insurance policy produced by him covers the date of accident i.e. 25.11.2013. he admitted that risk of third party is covered under the insurance policy produced by him. He admitted that contract of insurance is entered into between insurance company and the owner of the vehicle. He admitted that in the contact of insurance, first party is the owner and second party is insurance company. He admitted that policy produced by him is a package policy and premium towards third party is paid and risk of third party is covered. He voluntarily stated that the claimants were not third party. He denied that in order to avoid payment of compensation to the claimants, he is giving false deposition.

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

Exhibit	**Documents**
54	Copy of statement of Subhashbhai Devipujak recorded by the police.
55	Copy of statement of Monaben Subhashbhai Devipujak recorded by the police.
56	Copy of statement of Niruben Ramanbhai Devipujak recorded by the police.

19. Learned Advocates for claimants as well as the respondent no.3-insurance company have argued as per the pleadings

and evidence. Besides canvassing oral arguments, Ld. Advocate for the respondent no.3-insurance company has submitted written arguments vide Exhibit:66.

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

<u>ISSUE NO.1 (for all claim petitions):</u>

21. 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 of complaint and panchnama as available at Exhibits:32 and 33 respectively. In fact, the respondents have not adduced any evidence to disprove the factum of accident. As such, factum of accident stands duly proved.

22. Now, so far as the point of negligence is concerned, this Tribunal has gone through the copy of complaint at Exhibit:32, which was lodged by the respondent no.1 - Hakabhai Khodabhai Afir, who was the driver of the offending vehicle. Copy of panchnama of place of accident is also available on record vide Exhibit:33. From the panchnama of place of occurrence, it emerges that front glass as well as glass of driver side window were broken and glass particles were scattered on the road. Now, upon evaluation of the evidence brought on record, it appears

that the accident had taken place on 08:30 am i.e. in the morning hours. Further, the complainant i.e. the respondent no.1 is the driver of the offending vehicle and recitals of the complaint, it transpires that the contents of the claim petitions have been corroborated with the evidence produced on record. Further, despite service of summons, the respondent no.2 i.e. owner of the offending vehicle has not appeared before the Tribunal to controvert the allegations levelled in the claim petitions. It is worthwhile to mention here that the respondents have not even examined the driver of the offending vehicle so as to disprove the evidence brought by the claimants and, therefore, adverse inference is required to be drawn against the driver of the offending vehicle. In these circumstances, it appears that the driver of the offending vehicle would have driven his vehicle at moderate speed and have remain careful while plying his vehicle on the road, he would have averted the accident, however, he has failed in taking requisite care and caution in driving his vehicle at the time of accident. In the instant case, the claimants have brought on record copy of MLC certificates of the injuries suffered by the claimants vide Exhibits:38 to 42, which indicates that the claimants have suffered injuries in the motor-vehicular accident took place on 25.01.2013. Considering the overall facts and circumstances of the case, accident dated 25.01.2013 was an outcome of rash and negligent driving of Pick-up Bolero bearing registration No.GJ-12-AU-2966 by its driver. Accordingly, issue no.1 is answered in favour of claimants and against the respondents.

ISSUE NO.2:

MAC PETITION NO. 800 OF 2014

23. It has been pleaded that the claimant was aged around 53 years at the time of accident. In the instant case, the claimant has produced copy of her Aadhar Card vide Exhibit:25, in which, date of birth of the claimant is mentioned as 23.01.1960. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 53 years 10 months 2 days 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 **'11'** 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 51 years to 55 years.

24. Upon going through the pleadings of the parties, it appears that the claimant had suffered fracture on her right thigh and also fracture on ribs 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.

25. It is worthwhile to mention here that claimant has brought on record medical bills amounting to ₹39,061/- on her

treatment, hospitalization, medicines, investigation, etc. vide Exhibit:45. Hence, a sum of ₹39,000/- is awarded under the head of medical expense.

26. It is the case of the claimant that at the time of accident, he was doing business of clothes, out of which, she was earning ₹6,000/- per month. The claimant in her cross-examination has admitted that she is not having any proof in context of her business and income. 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 ₹5,500/- per month.

27. The claimant has also brought on record disability certificate issued by Dr. A. I. Upadhyay, in which, permanent impairment suffered by claimant is shown as 31% in context of whole body. Exhibit:43 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 14% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 14%. Calculation of compensation for permanent disability is assessed as follows:-

Annual income before the accident	₹66,000/-
Loss of future earning capacity 14% of annual income.	₹9,240/-
Multiplier with reference to age	11
Loss of future earning	₹1,01,640/-

28. It is worthwhile to mention here that on account of vehicular accident, the claimant suffered fracture on her right thigh and fracture on ribs along with other injuries on her various body parts and she had taken treatment in Bhagyoday Hospital and V. S. 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 ₹11,000/-.

29. 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/-.

30. 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	₹1,01,640/-
Loss of income during treatment	₹11,000/-
Medical Expense	₹39,000/-
pain, shock & suffering	₹15,000/-
Transportation, attendant, special diet.	₹15,000/-

Total Compensation...	**₹1,81,640/-**

In all, claimant is found entitled to a sum of **₹1,81,640/-** on the all the above count as just compensation.

MAC PETITION NO. 801 OF 2014

31. It has been pleaded that the claimant was aged around 6 years at the time of accident. Here in this case, the claimant has produced copy of her Aadhar Card vide Exhibit:26, in which, date of birth of the claimant is mentioned as 04.04.2008. Hence, in absence of any contrary evidence, this Tribunal is of the opinion that claimant was aged around 05 years 07 months 22 days 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 **'15'** is to be taken for the purpose of computing loss of future earning, since, at the time of accident, age of the minor claimant was below 15 years.

32. Upon going through the pleadings of the parties, it appears that the minor claimant had suffered fracture on her left hand 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 ₹10,000/- is awarded towards the head of transportation, attendant, special diet, etc.

33. It is worthwhile to mention here that claimant has brought on record medical bills amounting to ₹18,084/- on her treatment, hospitalization, medicines, investigation, etc. vide Exhibit:46. Hence, a sum of ₹18,100/- is awarded under the head of medical expense.

34. Now so far the aspect of income of the claimant is concerned, it has been pleaded that at the time of accident, the minor claimant was aged around 05 years and she was minor. As discussed above, the claimant was minor and, therefore, it is difficult to determine monthly income of the claimant. Though, it is totally impossible to say as to what monthly income the child would have earned after attaining the age of majority because it depends upon multiple factors viz. the education, she could have got, the skills he could have developed over the passage of time. Hence, in absence of any specific evidence in context of income of claimant and considering the year of accident, this Tribunal comes to the conclusion that notional income of the claimant is derived as ₹4,000/- per month.

35. The claimant has also brought on record disability certificate issued by Dr. A. I. Upadhyay, in which, permanent impairment suffered by the minor claimant is shown as 21% in context of whole body. Exhibit:44 is the disability reduce pursis, whereby, both the parties arrived to a consensus to consider the disablement suffered by claimant as 9% in context of whole body. Therefore, it would be just and proper to consider the percentage of loss of earning capacity as 9%. Calculation of compensation for

permanent disability is assessed as follows:-

Annual income before the accident	₹48,000/-
Loss of future earning capacity 9% of annual income.	₹4,320/-
Multiplier with reference to age	15
Loss of future earning	₹64,800/-

36. It is worthwhile to mention here that on account of vehicular accident, the minor claimant suffered fracture on her left hand and other injuries on her various body parts and she had taken treatment in Bhagyoday Hospital and various other Hospitals. It must be accepted that even after discharge from the hospital, the minor 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 ₹8,000/-.

37. 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 ₹10,000/-.

38. 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	₹64,800/-
Loss of income during treatment	₹8,000/-
Medical Expense	₹18,100/-
pain, shock & suffering	₹10,000/-
Transportation, attendant, special diet.	₹10,000/-
Total Compensation...	**₹1,10,900/-**

In all, claimant is found entitled to a sum of **₹1,10,900/-** on the all the above count as just compensation.

MAC PETITION NO. 802 OF 2014

39. It has been pleaded that the claimant was aged around 21 years at the time of accident. The claimant in her cross-examination has deposed that she was aged around 26 years at the time of accident. However, the claimant has produced her X-ray examination report at Exhibit:36, in which, her age is mentioned as 20 years. Copy of MLC Certificate of the claimant at Exhibit:40 shows her age as 22 years at the time of accident. Even, copy of her Aadhar Card is also available on the case file vide Exhibit:27, which shows that date of birth of the claimant is mentioned as 13.12.1993. Hence, considering the evidence available on the case file, this Tribunal is of the opinion that claimant was aged around 20 years 11 months 12 days 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 **'18'** 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 15 years to 20 years.

40. Now so far as sustaining serious injuries resulting in permanent disablement is concerned, the claimant has not placed on the file any cogent evidence as regards injuries suffered by him in the vehicular accident. It is pertinent to note here that the claimant has produced disability certificate issued by Dr. A. I. Upadhyay, in which, permanent physical impairment suffered by the claimant is shown as 6% in context of whole body. However, the claimant has not proved this disability certificate by examining the concerned Doctor, who issued the said certificate. Even otherwise, from the medical papers produced by the claimant, it appears that the claimant has not suffered any fracture or serious injuries resulting in permanent disablement, which has incapacitated her in rendering her routine day to day work.

41. In this case, X-ray examination report; copy of MLC Certificate of the claimant along with various medical bills (₹4,103/-) are brought on record vide Exhibits:36, 40 and 47 respectively, whereby, it can be safely presumed that the claimant has suffered injuries. Apart from this, the claimant has not placed any cogent evidence in support of her monthly income, exact loss of income as well as for special diet, transportation and attendant charges. Therefore, considering facts and circumstances of the present case on hand as well as keeping in mind the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, the claimant is entitled to get a lump-sum

amount of compensation of ***₹50,000/-*** under all heads.

<u>MAC PETITION NO. 814 OF 2014</u>

42. It has been pleaded that the claimant was aged around 23 years at the time of accident. In support of his case, the claimant has brought on record copy of his Aadhar Card at Exhibit:28, which shows that date of birth of the claimant is mentioned as 26.11.1991. Hence, considering the evidence available on the case file, this Tribunal is of the opinion that claimant was aged around 22 years 01 day 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 **'18'** 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 21 years to 25 years.

43. Now so far as sustaining serious injuries resulting in permanent disablement is concerned, the claimant has not placed on the file any cogent evidence as regards injuries suffered by him in the vehicular accident. It is pertinent to note here that the claimant has produced disability certificate issued by Dr. A. I. Upadhyay, in which, permanent physical impairment suffered by the claimant is shown as 6% in context of whole body. However, the claimant has not proved this disability certificate by examining the concerned Doctor, who issued the said certificate. As such, this document is not enough to prove that the claimant had suffered permanent partial

impairment. Even otherwise, from the medical papers produced by the claimant, it appears that the claimant has not suffered any fracture or serious injuries resulting in permanent disablement, which has incapacitated him in rendering his routine day to day work.

44. In this case, X-ray examination report; copy of MLC Certificate of the claimant along with various medical bills (₹4,172/-) are brought on record vide Exhibits:37, 41 and 48 respectively, whereby, it can be safely presumed that the claimant has suffered injuries. Apart from this, the claimant has not placed any cogent evidence in support of his monthly income, exact loss of income as well as for special diet, transportation and attendant charges. Therefore, considering facts and circumstances of the present case on hand as well as keeping in mind the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, the claimant is entitled to get a lump-sum amount of compensation of ***₹50,000/-*** under all heads.

MAC PETITION NO. 815 OF 2014

45. It has been pleaded that the claimant was aged around 4 years at the time of accident. Copy of Aadhar Card of the minor claimant is produced on record vide Exhibit:29, which shows that date of birth of the minor claimant is mentioned as 12.12.2009. Hence, considering the evidence available on the case file, this Tribunal is of the opinion that claimant was aged around 3 years 11 months 13 days 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 **'15'** is to be taken for the purpose of computing loss of future earning, since, at the time of accident, age of the minor claimant was below 15 years.

46. Now so far as sustaining serious injuries resulting in permanent disablement is concerned, no evidence has been brought on record as regards injuries suffered by the minor claimant in the vehicular accident. It is pertinent to note here that no disability certificate is produced on record so as to infer that the minor claimant has suffered permanent partial disablement. Even otherwise, from the medical papers produced by the claimant, it appears that the claimant has not suffered any fracture or serious injuries resulting in permanent disablement, which has incapacitated him in rendering his routine day to day work.

47. In this case, copy of MLC Certificate issued by Bhagyoday Hospital at Exhibit:42 suggests that the minor claimant has suffered injuries. Apart from this, the claimant has not placed any cogent evidence in support of his income, expenditure incurred on his medical treatment as well as for special diet, transportation and attendant charges. Therefore, considering facts and circumstances of the present case on hand as well as keeping in mind the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, the claimant is entitled to get a lump-sum amount of compensation of ***₹15,000/-*** under all heads.

LIABILITY:

48. As discussed herein above, this Tribunal held that, accident dated 25.01.2013 was an outcome of rash and negligent driving of Pick-up Bolero bearing registration No.GJ-12-AU-2966 by its driver. Ld. Advocate for the respondent no.3-insurance company has produced copy of insurance policy of Pick-up Bolero bearing registration no.GJ-12-AU-2966 vide Exhibit:59, which depicts that the insurance policy was in force for the period from 06.08.2013 to 05.08.2014. Accordingly, it is clearly established that on the date of accident i.e. on 25.11.2013, the offending vehicle was validly insured with the respondent no.3-insurance company.

49. So far as liability is concerned, Ld. Advocate for the respondent no.3-insurance has vehemently submitted that the offending vehicle is a goods carrying vehicle and policy issued in respect of the goods carrying vehicle is Goods Carrying Package Policy. She further submitted that goods carrying vehicle is meant to transport goods and carrying passengers in the said vehicle is strictly prohibited. She further submitted that at the time of accident, all the claimants were travelling as gratuitous passengers in the offending vehicle. She further submitted that no goods were found at the time when the panchanam of place of accident was drawn and even the investigating officer has also accepted that no goods were found at the place of accident and the claimants in their initial statement recorded by the police has also not averred

anything about the clothes being transported in the offending vehicle. She further submitted that no premium under the head of unnamed passenger was levied by the insurance company and, therefore, the insurance company is not liable to pay compensation to the claimants who were gratuitous passengers.

50. Ld. Advocate for the claimants submitted that since inception of the claim petition, the claimants pleaded that they were doing business of clothes and at the time of accident, they were travelling along with their goods. He further submitted that panchnama was drawn after six hours of accident and, therefore, there is all the possibility that the claimants might have removed their goods from the spot. He further submitted that all the claimants all unequivocally deposed on oath that they were travelling along with their goods, rather, the evidence adduced by the respondent no.3-insurance company does not make it clear that the claimants were gratuitous passengers at the time of accident. Accordingly, he has prayed that the respondent no.3-insurance company may be held liable for payment of compensation.

51. I have heard Ld. Advocates for the parties on the point of liability. The testimony of the witness of the respondent no.3 namely Pratik L. Sheth was recorded vide Exhibit:60 and from his testimony as well as from the insurance policy of the offending vehicle (Exhibit:59), it is clear that the offending vehicle is a goods carrying vehicle. Insurance Policy of the offending vehicle at Exhibit:59

also depicts that licenced carrying capacity of the vehicle is only one including one. Now, from the cross-examinations of the claimants, it clearly transpires that at the time of accident, total seven persons were travelling in the offending vehicle. Further, the claimants also accepted that they were seated on rear side of the offending vehicle. However, they deposed that they were dealing in the business of clothes and they were transporting the clothes. In this regard, panchnama of place of evidence is an important piece of evidence, which is produced on record vide Exhibit:33. A bare perusal of panchnama of place of accident makes it clear that no goods were found at the time of accident. Further, the respondent no.3-insurance company has also produced copies of the statements of the claimants namely Subhashbhai, Monaben and Niruben recorded by the police are brought on record vide Exhibits:54, 55 and 56 respectively. In their statements recorded by the police, the claimants have not whispered anything about transporting clothes in the offending vehicle. Further, vide Exhibit:53, the Ld. Advocate for the respondent no.3-insurance company has also examined the investigating officer who recorded the statements of the claimants and also drawn panchnama of place of accident vide Exhibit:33. This witness has clearly testified that at the time of recording their statements, the claimants have not stated about goods being transported in the offending vehicle nor any goods were found at the place of occurrence or the claimants have not made any complaint regarding their goods being stolen. Even bare perusal of the complaint at Exhibit:32 depicts the fact that the claimants had taken lift in the said vehicle and there is no evidence available on the record to suggest that they had hired the said vehicle for transportation of their goods. Therefore, there is ample evidence available on record to suggest that the claimants were travelling in the offending vehicle as gratuitous passengers and not in the capacity of the owner of the so called goods. Hence, in above view of facts and circumstances, I hold that the respondent no.3-insurance company cannot be saddled with the liability of payment of compensation to the claimants as the insurance company has successfully proved its defence of gratuitous passengers. Ld. Advocate for the claimants has relied upon the judgment of Hon'ble Apex Court in the case of Kaminiba and others Vs. Oriental Insurance Co. Ltd. and others reported in 2026 ACJ 447 and submitted that considering the ratio of law laid down by the Hon'ble Supreme Court, the claimants may not considered as gratuitous passengers. I have thoroughly gone through the above-referred judgment of Hon'ble Apex Court, in which, it has been recorded that Tempo was hired not for travelling but, for the purpose of carrying Ganesh Idol for immersion and not for travelling. However, as discussed above, in the instant case, though it was the case of claimants that they were doing business of clothes and were travelling with the goods, yet, from the panchnama of place of accident nor from the deposition of investigation officer, it was clear that no goods were found from the place of occurrence and, therefore, it cannot be said the claimants were travelling along with their goods. Hence, facts of judgment relied by the Ld. Advocate for claimants are altogether different with the facts of the present case and, therefore, in my humbly opinion the said judgment is not applicable in the present case. Accordingly, the respondents no.1 and 2 who are driver and owner of Pick-up Bolero bearing registration No.GJ-12-AU-2966 are liable in their joint and several capacity to pay compensation to the claimants and the respondent no.3-insurance company is hereby absolved from its liability of payment of compensation.

52. 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:

O R D E R

MAC PETITION NO. 800 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents no.1 and 2 only.
- The Petitioner is entitled to recover **₹1,81,640/- (Rupees One Lakh Eighty One Thousand Six 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 no.1 and 2 jointly and severally, whereas, the respondent no.3-insurance company is hereby exonerated from its liability of payment of compensation.

MAC PETITION NO. 801 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents no.1 and 2 only.
- The Petitioner is entitled to recover **₹1,10,900/- (Rupees One Lakh Ten Thousand Nine Hundred 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 no.1 and 2 jointly and severally, whereas, the respondent no.3-insurance company is hereby exonerated from its liability of payment of compensation.

MAC PETITION NO. 802 OF 2014

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents no.1 and 2 only.
- The Petitioner is entitled to recover **₹50,000/- (Rupees Fifty Thousand 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 no.1 and 2 jointly and severally, whereas, the respondent no.3-insurance company is hereby exonerated from its liability of payment of compensation.

<u>MAC PETITION NO. 814 OF 2014</u>

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondent no.2 only.
- The Petitioner is entitled to recover **₹50,000/- (Rupees Fifty Thousand 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 respondent no.2, whereas, the respondent no.3-insurance company is hereby exonerated from its liability of payment of compensation.

<u>MAC PETITION NO. 815 OF 2014</u>

- The Claim Petition is hereby **partly allowed** with costs and interest against the respondents no.1 and 2 only.
- The Petitioner is entitled to recover **₹15,000/- (Rupees Fifteen Thousand 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 no.1 and 2 jointly and severally, whereas, the respondent no.3-insurance company is hereby exonerated from its liability of payment of compensation.

(1) The respondents no.1 and 2 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, the remaining amount be paid to the petitioner through NEFT/RTGS Mode as the amount is minimal. In case of minor petitioner/claimant, entire amount of his/her share be deposited in the name of respective minor petitioner(s) through his/her natural guardian/mother in any nationalized bank of the choice of the Petitioner(s) for the period of 5 years or till the minor attains majority, whichever is later.

(3) Respondents No.1 and 2 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 **10th April**, **2026.**

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