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Decided on	: 30.05.2026
Duration	:

**BEFORE THE HON'BLE 2nd ADDL. DISTRICT JUDGE &
MOTOR ACCIDENT CLAIMS TRIBUNAL [AUXI.]
AHMEDBAD(Rural).**

MACP NO.1064/2014

Exh._____

Petitioner : Ajaybhai Ganeshbhai Vaghela
Age:19 years, Occup:Job,
R/o:Chamunda Health Staff Quarters, In the
line of Ramdevpir, Ambedakar Bridge,
Saraspur, Ahmedabad.

VERSUS

[Driver & owner of Vehicle No.GJ-6-XX-6788]

Opponents 1: Abdulsattar Abdulaziz Shaikh(Driver)
Age:24 years, Occup:Driving,
R/o:Hussainipark, Vibhag-1, Nr. Ice Factory,
Gyaspur, Taluka-City, District-Ahmedabad.

2: The Commissioner
Ahmedabad Municipal Corporation,
Office at:Danapith, Khamasa, Ahmedabad.

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Appearances:

Learned Advocate Mr. B.K. Patel for the claimant/petitioner.

Opponent No.1-Deleted.

Learned Advocate Mr. J.J. Mistry for the Opponent No.2.

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-:-JUDGEMENT:-:-

1. The Claimant/Petitioner(herein after referred as “Petitioner”) has filed the present claim petition under the provisions of Section 166 of the Motor Vehicle Act, 1988(herein after referred as “M.V. Act”) against the Opponents to recover compensation of Rs.5,00,000/-(Five Lakh) in connection with the injury sustained by the petitioner in vehicular accident taken place on dated 14.06.2011.

2. The brief facts of the present claim petition are as under;

The petitioner was doing work as labour to collect the waste material/garbage door to door and its disposing work since last 2-3 years under the authority of opponent No.2 and in that manner, on dated 14.06.2011 in the morning, petitioner had gone at his work and at about 10:00 am, he was collecting and/or filing the garbage/waste material upon the vehicle No.GJ-6-XX-6788(for the sake of brevity hereinafter referred as “**AMC vehicle**”) and opponent No.1 was driving the said AMC vehicle in very rash and negligent manner and while the petitioner was filling the garbage in the AMC vehicle, at that time, the driver i.e. opponent No.1 had suddenly started the AMC vehicle and without giving any signal/sign, opponent No.1 has suddenly closed the upper shutter of the hydraulic system and due to that, the right hand’s wrist of the petitioner stuck into the shutter resulting to his right wrist getting cut and thereby, the accident occurred as averred in the claim petition. In the said accident, the petitioner sustained serious amputation injuries and therefore, he was admitted in V.S. Hospital and he

was admitted in the hospital approx two months, where, he was got medical treatment and surgery. For the said accident, FIR was lodged at Shahpur Police Station. It is further contended that at the time of accident, the petitioner was healthy person and was working with the opponent No.1 & 2 but on account of such injuries, the petitioner is having permanent disability and therefore, he is unable to do his work as he was doing before the accident and therefore, the petitioner has filed the present claim petition as to get compensation from the opponents.

On perusal of case record, it transpires that the petitioner has earlier filed paper application vide CMA No.848/2014 under CPC Order 33 which was allowed on 8th July, 2014 after due process of law and thereby, the present MACP No.1064/2014 came to be registered.

3. Opponent No.1-driver of the AMC vehicle has been deleted from array of parties vide order dated 24.08.2022 below Exh.8/A passed by Ld. predecessor Tribunal.
4. The notice was duly served upon the opponent No.2-owner of the AMC vehicle and the Ld. advocate on behalf of the AMC has appeared but did not file any written statement.
5. To prove his case, Petitioner has lead oral and documentary evidence in the following manner:-

ORAL EVIDENCE

Sr. No.	Particulars of Oral Evidence	Exh.
1.	Affidavit of Examination-in-chief of the Petitioner.	12

DOCUMENTARY EVIDENCE

Sr. No.	Particulars of Documents	Exh./ Mark
1.	Certified Janva Jog entry received from hospital.	19
2.	Certified Janva Jog entry received at Shahpur police station.	20
3.	Certified Copy of statement of opponent No.1-driver of the AMC vehicle.	21
4.	Certified copy of statement of the petitioner.	22
5.	Certified copy of statement of the Contractor of AMC.	23
6.	Original photograph of the vehicle involved in the accident.	24
7.	Office copy of notice sent to the Ld. Commissioner of AMC, Danapith, Ahmedabad.	25
8.	Disability certificate of the petitioner issued by the Dr. A.I. Upadhyay.	26
9.	Photograph of the amputation of wrist of the petitioner.	27

6. Considering the above pleadings, the following issues are framed at Exh.9 for the final conclusion of the present claim petition.

:-ISSUES:-

- Whether the petitioner(s) proves that he/she sustained injuries because of the rash and negligent driving of the rider/driver(s) of vehicle(s) involved in the accident?
- Whether the petitioner(s) is/are entitled to get compensation? If yes, what amount? and who is liable to pay the compensation?
- What order and award?

7. The finding of this Tribunal on the aforesaid issues is as under:
 1. In affirmative.
 2. In affirmative, as per final award.
 3. As per Final order and Award.

:-REASONS:-

Issues No.1 & 2:

8. As the Issues No.1 & 2 are interconnected, reasons for both issues are discussed herein together for the sake of brevity and to avoid repetition.
9. Heard the Ld. Advocates for both the sides. This tribunal has perused the written arguments submitted by the Ld. Advocate for the Petitioner at Exh.13 and further argued as per the contents of the claim petition. It is further argued that the accident occurred due to sole negligence of the driver of the AMC vehicle and the present petitioner has sustained grievous injuries of amputation at his right wrists which resulted into permanent disablement and the petitioner has spent huge amount for the medical treatment. Therefore, present petitioner is entitled for the compensation of Rs.11,00,544/-.
10. Before deciding the question of quantum of compensation, this tribunal has to decide the negligent driving on the part of the driver of AMC Vehicle. To substantiate his claim, the Petitioner has submitted his examination-in-chief affidavit at Exh.12, wherein, he has deposed the same facts as averred in the claim petition and therefore, as to avoid the repetition, the same have

not been incorporated herein. Considering the facts & records, it prima-facie appears that the Ld. advocate for the opponent No.2 has appeared but he did not cross-examine the petitioner, therefore, the examination-in-chief remains unchallenged. Petitioner has relied upon the Janva Jog entry from the V.S. Hospital vide Exh.12 and Janva Jog entry at Shahpur Police Station vide Exh.20, wherein, police official has mentioned the facts of the incident occurred.

11. This tribunal has thoroughly gone through the evidence brought on record. Upon perusal it clearly appears that the Petitioner sustained amputation injuries in the accident occurred due to negligence on the part of the driver of the AMC vehicle involved in the accident. Moreover, the Ld. advocate for the opponent No.2 has not cross-examined the petitioner and he has not taken any objection with regards to the documentary evidence produced by the petitioner if there is something contrary to the version of complainant/petitioner. Hence considering the evidence placed on record, this tribunal holds that the alleged accident occurred due to sole negligence of the driver of the AMC vehicle and petitioner sustained serious injuries resulting permanent disablement due to same. Therefore, now, it is the duty of the Tribunal to award just and reasonable compensation to the petitioner.

Disability.

12. Now so far as sustaining serious injuries resulting permanent disablement due to accident is concerned, petitioner has produced **Disability Certificate** vide Exh.26 issued by Dr. A.I. Upadhyay, in support of his version that petitioner sustained

amputation injury on his right wrist. Perusing Exh.26, **disability certificate**, it appears that the petitioner had suffered 90% permanent physical impairment of limb due to injuries sustained in the said accident. Therefore, looking to the notification published by the Government of India and considering the facts placed on record and evidence in support of the same, this tribunal is of the view that petitioner sustained serious injuries resulting permanent disablement in the alleged accident and it is just and proper to consider **45% permanent disability of body as a whole** to petitioner for calculating future loss of income.

AGE:

13. Now, so far as the age of the petitioner is concerned, the petitioner has not stated in his examination-in-chief affidavit about his age. The Ld. advocate for the petitioner has argued that at the time of accident, petitioner was 19 years old but petitioner has not produced any documentary evidence in support of his evidence. On the other hand, as the opponents have not taken any objection with regards to the age of the petitioner. Therefore, to prove the age of the petitioner, this Court has perused the documentary evidence vide Exh.19 and Exh.20, the certified copy of Janva Jog entry registered in the Shahpur police station, wherein, the age of the petitioner is mentioned as 18 years. Therefore, considering the above facts and evidence on record, this tribunal holds that at the time of accident, the petitioner was 18 years old. Now so far as to calculate the Future Loss Income, proper multiplier is required to be applied considering the age of the petitioner. Now, so far

as the application of Multiplier is concerned, In **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Another**, reported as AIR 2009 SC 3014, the Hon'ble Supreme Court of India in para 42 held as "42. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of **18 (for the age groups of 15 to 20 and 21 to 25 years)**, reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.", the Hon'ble Apex Court in **Reshma Kumari and others Vs. Madan Mohan and another** (Civil Appeal No. 4646 of 2009 and 4647 of 2009 decided on 2nd April, 2013 by the full bench), issued the directions in paragraph No.40 of the judgment to follow the judgment of the **Sarla Verma (supra)**. The Hon'ble Court further directed that the directions issued in this judgment shall also applicable to all pending petitions. Thus, in view of above facts, this tribunal has assessed the age of the petitioner as 18 years, hence, **18** multipliers for the purpose of calculation of future loss of income be applied.

Monthly Income and Future prospects:

14. In the present case, the petitioner has stated in his examination-in-chief affidavit at Exh.12 that at the time of accident, he was earning Rs.4,000/- p.m. by doing labour work. The petitioner

has not been cross-examined by the Ld. advocate for the opponents and the income of the petitioner remains unchallenged. Now, as far as the income of petitioner is concerned, on perusal of the record, it appears that the petitioner has not produced any certificate as to prove the monthly income and petitioner has not been cross-examined on the point of the monthly income therefore, in view of the above facts & circumstances this tribunal considers Rs.4,000/-p.m. salary as the income of the petitioner and it would not be exaggerated in view of this tribunal.

Calculation of Future loss of Income

15. Permanent Disability has already has been considered as 45% body as a whole for assessing the future loss of income to the petitioner. Hence, the future loss of income would be as under:-

Annual income of the petitioner	4,000/-×12= Rs.48,000/-
Loss due to 45% disability	45% of 48,000 = 21,600/-
Loss of income of petitioner	21,600×18 =3,88,800/-

Actual Loss of Income:

16. According to petitioner, injured could not work for very long time due to the injury. As per the disability certificate, petitioner has sustained 45% permanent physical disability body as a whole. Therefore, looking to the nature of injuries, it can fairly be concluded that the original claimant/injured could not have worked for six months. Therefore, actual loss of income would be **Rs.24,000/-(4,000×6)**. Hence, it is just & reasonable to award **Rs.24,000/- for actual loss of income.**

Medical Expenses

17. As per the version of the petitioner in examination-in-chief, he has taken medical treatment for his injury but he has not produced any medical bills or medical treatment papers other than injury certificate. Therefore, looking to nature of injuries sustained by the petitioner, it is just and proper to award lumpsum amount of **Rs.15,000/-** towards medical expenses.

Attendant, Special diet & transportation Expenses

18. Though there is no supporting documentary evidence to show that the original claimant/injured had taken service of attendant, spent on transportation for treatment or has taken special diet to recover from the injuries sustained in the accident, yet looking to the facts and circumstances of the present matter, this tribunal is of the opinion that the original claimant/injured must have incurred some expenses on the attendant, transportation and special diet in relation to the vehicular accident occurred on 14.06.2011. Therefore, it is just and reasonable to award Rs.10,000/- towards attendant, special diet and transportation expenses incurred by the Petitioner.

Non-pecuniary loss/Pain, Shock and Suffering

19. Looking to injury sustained by the Petitioner, he might have undergone severe pain, shock and sufferings for considerable period, thus present Petitioner is entitled to get amount **Rs.10,000/- under the head of non-pecuniary loss i.e. pain, shock & sufferings.**
20. Therefore the petitioner is entitled to get following amounts by way of compensation.

Loss of Income	: Rs.3,88,800/-
Actual Loss of Income	: Rs.0,24,000/-
Medical Expenses	: Rs.0,15,000/-
Attendant, Spl. diet & Transportation Exp	: Rs.0,10,000/-
Pain, Shock & suffering	: Rs.0,10,000/-
Total Compensation	: Rs.04,47,800/- (Rupees Four Lakh Forty Seven Thousand Eight Hundred only)

Rate of Interest

21. Ld. advocate for the Petitioner submitted that the petitioner may be awarded the interest at the rate of 18% on the awarded amount. I have considered the rival contentions of the Id. Counsels for the parties and perused the records. In **Abati Bezbaruah v. Dy. Director General, Geological Survey of India and Another [(2003) 3 SCC 148]**, the Hon'ble Supreme Court has held that "The rate of interest must be just and reasonable depending upon the facts and circumstances of each case and taking all relevant factors including inflation, change of economy, policy being adopted by Reserve Bank of India from time to time, how long the case is pending, permanent injuries suffered by the victim, enormity of suffering loss of future income, loss of enjoyment of life etc., into consideration." Thus, having regards to the facts and circumstances of the case, in the light of the abovementioned judgments, it would be just and proper to award the simple interest at the rate of 9%p.a. on the awarded amount of claim from the date of filing the petition till the date of payment of awarded amount. Thus, having regards to the facts and circumstances of the case, it would be just and proper to award

the simple interest at the rate of 9% p.a., accordingly, the petitioner is entitled to get simple interest at the rate of **9%p.a.** on the awarded amount of claim from the date of filing of claim petition till payment of awarded amount.

Liability.

22. In the present case, as discussed hereinabove, the accident took place on account of rash and negligent driving on the part of the driver of the AMC Vehicle i.e. opponent No.1, owned by opponent No.2 therefore, the Owner being vicariously liable for the acts of the driver. The Opponent No.1 & 2 would be jointly and severally liable to pay the compensation. But, the opponent No.1 has been deleted from the array of proceedings as per order below exhibit 8/A. Therefore, opponent No.2 is liable to pay the award accordingly to the petitioner.
23. For the aforesaid reasons, this tribunal has decided issue no.1 and issue no.2 in accordingly and has decided the quantum of compensation, liability to pay the same accordingly. In view of the above discussion, while deciding issue no.3, the following final order is passed in the interest of justice.

:-FINAL ORDER:-

- 1) The Claim Petition **No.1064/2014** of the Petitioner is hereby **partly allowed** against the Opponent No.1 & 2.
- 2) The Petitioner does recover **Rs.04,47,800 /-(Rupees Four Lakh Forty Seven Thousand Eight Hundred only)** as compensation amount alongwith cost of petition with a simple interest to be calculated @ 9% p.a. from the date of filing of the claim petition till realization.

- 3) The Opponents No.2 is hereby directed to deposit the amount of compensation alongwith cost of petition after deducting the amount of interim compensation, if any, paid under section 140 of the Motor Vehicles Act, as directed in Circular No. 08/2022 dated 01/02/2022, by way of Direct Bank Transfer to Bank Account of MACT Tribunal (Main) District Court, Ahmedabad (Rural), details of which are as follows:-

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

Bank Account Name-PRINCIPAL DIST JUDGE ABAD RURAL MACP

Account No- 00000040722625356

IFS Code- SBIN0000301

Bank MICR Code- 380002002

**PAYMENT ADVICE FOR REMITTANCE OF
COMPENSATION**

From:

_____Bank_____

To:

_____Court_____

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

- 4) On such deposits being made, the opponents shall submit a letter to the Registry of District Court, Ahmedabad (Rural) enclosing a copy of the said bank advice, in prescribed format as above, as per which the deposit was made to the bank account of the Claims Tribunal, to enable the Claims Tribunal to

keep tab on the deposits made and the MACPs for which they were made, which is a fundamental need for a smooth implementation. The Payment advice for remittance of compensation is as under:-

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

- 5) On depositing of the above amount of award by the Respondents/opponents in this Tribunal, the deficit amount of Court Fee Stamp, if any, on the awarded amount be deducted first and thereafter, **60%** 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** through RTGS/NEFT and the remaining **40%** be paid to the Petitioner through RTGS/NEFT on proper identification.
- 6) The Insurance Companies, Transport Corporations and such other entities making such deposit, shall also send a copy of the payment advice in the aforesaid Clause to the Claims Tribunal concerned and serve a copy of the same on the applicant/s or their counsel as the case may be.

- 7) In view of the Judgment of the Hon'ble Gujarat High Court passed in the case of *The Oriental Insurance Co. Ltd. vs. Chief Commissioner of Income Tax, R/Special Civil Application No. 4800 of 2021, decided on 05/04/2022* the opponents shall deposit the full amount with this Tribunal and **shall not deduct tax on the interest** awarded herein above.
- 8) Final Decree and Memo of cost be prepared accordingly and file be consigned to record room after due compliance..

Signed & Pronounced in the open Court on this 30th day of May, 2026.

Date :30/05/2026.
Place:Ahmedabad.

[Kruti Sanjay Trivedi]
2nd Additional District & Sessions Judge and
Motor Accident Claims Tribunal(Auxi.)
Ahmedabad(Rural),
(UIC No.GJ00617.)