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Decided On : 13/03/2026
Duration : Y M D

**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL
(AUX.) AT PETLAD**

MAC PETITION No. 52 OF 2024
EX. _____

APPLICANTS :-

Legal Heirs of deceased Ramabhai Somabhai Solanki

1. Babiben Ramabhai Solanki, Age 64, Housework
 2. Laxmanbhai Ramabhai Solanki, Age 60, Labour,
 3. Bhanubhai Ramabhai Solanki, Age 53, Labour
- All are R/o Sundar Sim, At Bandhani, Tal. Petlad,
Dist. Anand

V E R S U S

OPPONENTS :-

PARTIES OF VEHICLE No. GJ-13 AX-2234

1. Jaypal Ramjibhai RathodDriver
R/o Ramapir Chowk, At Bhadiyad,
Po. Samla, Tal. Vadhvan, Dist. Surendranagar
2. Kalpeshbhai Prabhubhai
BakhalkiyaOwner
R/o Sheri No. 1, Shakti Nagar,
at Ratanpar, Tal. Vadhvani,
Dist. Surendranagar

APPEARANCE :

Ld. Advocate Mr. K.D. Chavda for the Applicants
Ld. Advocatge Mr. H.G. Zala for the Opponent No. 1 &
2

**CLAIM FOR COMPENSATION OF
Rs. 5,00,000-00**

J U D G M E N T

1. Applicants have filed present claim petition u/s 164 of the M.V. Act, to get compensation for the death of Ramabhai Somabhai Solanki, occurred in a vehicular accident took place on 18/07/2024.

2. It is the say of the applicant that on 18/07/2024 deceased was going on his foot on Anand Tarapur road, near village Sunav, Opp. Resham Papad Factory, at that time, opponent No. 1 came by driving vehicle No. GJ-13 AX-2234 with full speed, in rash and negligent manner and dashed with the deceased as a result deceased sustained serious injuries and succumbed to the injuries. It is the say of the applicants that the deceased was 70 years old hale and hearty and earning Rs.15,000-00 per month by way of doing business Further, it is the say of the applicant that due to sudden death of deceased applicant has lost their earning family member. Further, it is the say of the applicant that due to sudden death of deceased applicants have suffered tremendous mental shock. Further, it is the say of the applicant that if the deceased would have not died in the alleged accident he would have earned more income in her future life. Hence, they have filed present petition to get compensation of Rs. 5,00,000-00 from all the opponents.

3. The opponents are duly served with the summons / notice. The opponent No. 1 and 2 have appeared

through their Id. advocate and filed written statement vide Ex. 7 and denied all the averments made by the applicants in toto. It is contended that the age, income and death of deceased occurred in a vehicular accident are not true and it should be proved by cogent evidence. It is contended that the vehicle was not involved in the alleged accident and complaint has been filed after lapse of two months. Ultimately it is contended to dismiss present claim petition.

4. From the above pleadings of the parties, following issues framed vide Ex. 08 for determination of the present claim petition.

1. Whether the applicant/s proves that deceased died due to accident arising out of use of motor vehicle involved in the accident ?
2. Whether the applicant/s is/are entitled to any compensation ? if yes, what amount and from whom ?
3. What order and award ?
5. My findings on the above issues are as under.
 1. In affirmative.
 2. In the affirmative
 3. As per final order.
6. Id. Advocate for the applicant as well as Id. advocate for respondents.

:: R E A S O N S :

7. In support of thier case applicants have produced following oral and documentary in

Ex. 15	Deposition of Applicant Laxmanbhai Ramabhai
Ex. 12	Copy of complainat
Ex. 13	Copy of Panchnama
Ex. 14	Copy of Inquest Panchnama
Ex. 15	Copy of PM Report
Ex. 16	Copy of Driving Licence
Ex. 17	Copy of RC Book
Ex. 18 to 25	Copy of Adhar Card, Bank Passbook and Pan card of applicants

ISSUE No. 1 :

8. Ld. advocate for the applicant has filed written arguments vide Ex. 29 and it is argued that the applicants have filed present claim petition u/s 164 of the M.V. Act, and therefore no negligence is required to be decided. The factum of accident proved by the applicants by oral and documentary evidence. Moreover, it is argued that the applicants have filed present claim petition to recover compensation of Rs. 5,00,000-00 as per the provision made under section 164 of the M.V. Act. Ultimately, it is argued to allow present claim petition.

9. The applicant Laxmanbhai Ramabhai has filed examination in chief vide Ex. 11 in line of Ex. 1. In support of his say applicant has produced copy of FIR and panchnama vide Ex. 12 and 13. Further in the cross examination of Ld. advocate

for the opponent No. 2, he admitted that he has not seen the accident.

9. Further this petition is filed under Section 164 of MV Act wherein it is stated that "Payment of compensation in case of death or grievous hurt, etc., (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the Motor Vehicle or the authorized insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of Motor Vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be". By perusing the above said provision it is clear that applicant need not to prove the negligence only he has to prove that the accident is occurred due to the use of the vehicle. In this present case the applicant has produced copy of FIR, panchnama and PM report vide Ex. 20 to Ex.22 respectively. On perusing FIR it transpires that same is filed against unknown vehicle but on verification it transpires that, after the investigation police has filed charge sheet against the opponent No. 1 vide CC No. 2894/2024. Hence, looking to record it shows that vehicle No. GJ-13 AX-2234 involved in the present accident and said vehicle was driven by opponent

no.1. Hence it is clear that the applicant has put forth sufficient acceptable material evidence before the court to show that this accident was occurred due to use of vehicle No. GJ-13 AX-2234. Further by perusing the PM report produced vide Ex.15, it is clear that deceased had sustained multiple injuries over the body and cause of death was also for the said injuries. Hence, I answered the Issue No.1 in the affirmative.

ISSUE No. 2 :

10. The applicant Laxmanbhai Ramabhai contended that on the date of accident his father was aged about 70 years and earning Rs.16,000-00 per month by way of doing business.

11. In order to prove the age of the applicant, applicant has not produced any evidence. However, in the PM report, produced vide Ex. 15, the age of deceased has been shown 80 years. Hence, the age of deceased is considered at 80 years as on the date of accident.

12. So far as income of the applicant is concern the applicant contended that his father was doing business and thereby earning Rs. 15,000-00 per month. To prove income applicant has not produced any evidence.

13. As this petition is filed under Section 164 of MV Act against the owner & driver of the vehicle No. GJ-13 AX-2234 shall be liable to pay in the case of death or grievous hurt due to any accident

arising out of the use of motor vehicle, a compensation of Rs.5,00,000-00 in case of death or Rs.2,50,000-00 in case of grievous hurt. As per Section 164 of MV Act there is fixed compensation is to be paid in case of death when the petition is filed under Section 164 of MV Act. In this present case on hand also the petition is filed under Section 164 of MV Act for the death of deceased Ramabhai Somabhai Solanki occurred in a vehicular accident. Hence the applicant is entitled for just and reasonable compensation amount of Rs. 5,00,000-00.

14. While answering the issue No.1 this Tribunal comes to the conclusion that, accident occurred due to the use of vehicle No. GJ-13 AX-2234. The opponent No.2 is the owner of the said vehicle. As per the copy of RC Book produced on record vide Ex. 17 on the date of the accident Opponent No. 2 was the owner and said vehicle was not insured with any of the insurance company. Hence the respondent No. 1 & 2 being the driver and owner of the vehicle No. GJ-13 AX-2234 are jointly and severally liable to pay compensation to the applicant.

15. In case of **Dharmpal and Others V/s. U.P. Road Transport** reported in **A.I.R 2008 S.C 2312**. The Hon'ble Apex Court has held that award of interest would normally depends upon the bank rate prevailing at relevant time. Applying

this ratio, presently nationalized bank on an average which giving 7% p.a. interest on fixed deposit. Therefore, in the present case, end of justice would meet if the award of compensation carries interest at the rate of 7% per annum from the date of filing of claim petition till its realization.

16. Hence, in view of the above discussion, I have answered issue No. 2 in the affirmative accordingly.

ISSUE No. 3 :

17. For the reasons stated, the petition deserves to be allowed for which following final order is passed.

:: O R D E R ::

- 1.** The claim petition is hereby partly allowed.
- 2.** The the opponents No. 1 and 2 do jointly and severally pay the applicants **Rs. 5,00,000-00 (Rupees Five Lacs only)** together with interest at the rate of 7% p.a. from the date of application till realization of amount.
- 3.** The opponents do pay the cost of the applicants and also bear their own.
- 4.** The interim amount of compensation, if any, paid or deposited under the principle of "No Fault Liability" shall be adjusted in the amount of compensation awarded in this final adjudication.
- 5.** The opponents are directed to deposit the

amount of compensation within three months from the date of this order.

- 6.** When deposited, after deducting deficit court fees, remaining amount be equally distributed amongst all the applicants.
- 7.** From the compensation amount, 30% amount be paid to the applicant by A/c payee cheque, and remaining 70% amount be fixed deposited in any nationalized bank for a period of five years in the name of applicant with a condition that no loan or advances shall be floated on the said FDR without prior permission of the Tribunal. However, the applicant will be entitled to get periodical interest which accrues on the said FDR.
- 8.** Decree be drawn accordingly.

Pronounced and signed in the open court on today 13th day of March, 2026.

Date : 13-03-2026

Place : PETLAD

(Zankhana V. Trivedi)
MAC Tribunal (Aux.) &
3rd Additional District Judge
Petlad,
JUDGE CODE - GJ-00676

Tarun Patel
PS