GJBH010019852020	Filing No.:	MACP/361/2020
	Filed On:	27/11/2020
	Decided On:	02/05/2026
	Duration:	5Y-5M-5D

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN), AT. BHARUCH

MAC PETITION No.361/2020
Exh. _____

Claimants:

1. Sonikumari Munchunkumar Chaudhari
2. Mahendra Darvari Chaudhari *(deleted vide order dated 24.03.2026)*
3. Gayatridevi Mahendra Chaudhari
4. Minor Aditikumari Munchunkumar Chaudhari *(impleaded vide order dated 28.07.2025)* (Minor claimant No.4 represented through her guardian claimant No.1)

All having R/o. Lohori Godown, Navi Vasahat, Civil Hospital Road, Bharuch.

Versus

Opponents :

1. Jashavantsinh Dolatsinh Niyoria
R/o. A/45, Shrirang Vatika Society, Near Tulsidham, Zadeshwar Road, Bharuch.
2. ACKO General Insurance Ltd.
At. Unit No.301 & 302, 3rd Floor, F-Wing, Lotus Corporate Park, Off Western Express Highway, Jay Coach Flyover, Goregaon, Mumbai-400060.

<u>Appearance</u>:-
Ld. Advocate Mr. J. S. Patel, for the claimants.
None appeared for the opponent No.1.
Ld. Advocate Mr. P. D. Vyas, for the opponent No.2.

Claim : Rs.40,00,000/- U/s.166 of the M. V. Act, 1988.

JUDGMENT

1. The claimants are the legal heirs and legal representatives of deceased Munchunkumar Mahendra Chaudhari (hereinafter referred to as the 'deceased' for short) who died in a road accident, has preferred the present claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.40,00,000/- from the opponents. The claimant No.1 is the wife of the deceased, claimant No.3 is mother and claimant No.4 is minor daughter of the deceased.

1.2 During the pendency of the claim petition, claimant No.4 i.e. minor daughter of the deceased was impleaded as party vide order below Exh.33 and as the claimant No.2 died, his name has been deleted as party vide order below Exh.43.

2. The brief facts of both the claim petitions in nutshell are as under:-

2.1 That, on 25.12.2019 at around 9:00 pm, the deceased Munchunkumar Mahendra Chaudhari with his colleague Shaileshbhai Haribhai Patel, both of whom were working at Alfa Security Service, were travelling to Biltech Company, Dhamdod on the motorcycle No.GJ-16-AK-8048 for the purpose of work. The said motorcycle No.GJ-16-AK-8048 owned by the opponent No.1 was being driven by Shaileshbhai Patel at high speed with rash and negligent manner and deceased was a pillion rider. When the motorcycle reached near Dhamdod Road, motorcycle dashed with the some unknown vehicle, as a result of which deceased and his colleauge Shaileshbhai Patel died on the spot. The FIR with respect to the said accident was registered with Kosamba Police Station vide I-CR No.202/2019 against the driver of unknown vehicle.

2.2 According to the claimants, at the time of accident, deceased was aged about 35 years, hale & healthy. It is stated that the deceased was working as security guard at Alfa Security Service and earning Rs.20,000/- per month. It is further stated that claimants were depended on the income of the deceased. It is further stated that had the deceased not died in the accident, he would have continued to earn a substantial income, thereby providing financial security and support for the well-being of his dependents. It is further stated that due to sad demise of the deceased, claimants have suffered economic loss and claimed Rs.40,00,000/- as compensation under different heads.

2.3 It is further stated that the said vehicular accident has occurred due to negligent driving on the part of driver of motorcycle and opponent No.1 being owner of the motorcycle has insured his vehicle with opponent No.2, hence the opponent Nos.1&2 are jointly & severally liable to pay the amount of compensation to the claimants.

3. Upon the petition being admitted, notices were issued to the opponents and they have been duly served. However, none appeared on behalf of the opponent No.1 before the Tribunal.

3.1 The opponent No.2 – Insurance Company has appeared through its advocate and filed reply at **Exh.36** inter alia contending that, all the averments made in the claim petition are not true and correct, and denied in toto. It is further contended that, the facts regarding occurrence of accident, involvement of offending vehicle, causing death of deceased and age and income of the deceased are not true and correct. It is submitted that the driver of vehicle No.GJ-16-AK-8048 was driving without any driving license and therefore, the driver of the said vehicle has violated the provision of the Motor Vehicle Act, 1988. It is further submitted that the alleged accident took place due to the sole negligence on the part of the driver of unknown vehicle and investigation officer has registered complaint against the driver of unknown vehicle for his negligence. Hence, there is no negligence on the part of the driver of motorcycle. Thus, the opponent No.2 - insurance company has submitted that opponent is not liable to pay compensation and therefore, prayed to exonerate from the liability.

4. The claimants have adduced following oral as well as documentary evidences:

Sr. No.	Documents	Exh.
	Oral Evidence	
1	Sonikumari Munchunkumar Chaudhari	**11**
2	Jashavantsinh Dolatsinh Niyoria	**17**
	Documentary Evidences	
1	Copy of salary slip of deceased from January 2019 to December 2019	**18**
2	Copy of appointment letter dated 01.04.2019	**19**
3	Copy of appointment letter dated 01.04.2018	**20**
4	Copy of FIR	**22**
5	Copy of Panchnama of place of occurrence	**23**
6	Copy of Inquest Panchnama	**24**
7	Copy of P.M. Note	**25**
8	Copy of R. C. book of car No.GJ-16-AK-8048	**26**
9	Copy of insurance policy of car No.GJ-16-AK-8048	**27**
10	Copy of Aadhar Card of deceased	**28**

5. On completion of evidence, Ld. Advocate for the claimants has filed closing pursis at **Exh.44**, whereas, stage of evidence of opponent No.2 was closed vide order below **Exh.38** pursuant to the application filed the Ld. Advocate for the claimants.

6. Heard Learned Advocates for the parties, perused the evidence and written submissions produced by Ld. Advocate for the insurance company at **Exh.39**.

7. The following issues were framed at **Exh.10** in both the petitions by my predecessor for determination of this claim petition:

1. Whether the petitioners prove that the deceased died on account of rashness and negligent driving on the part of the driver of the vehicle involved in the accident?
2. What amount, if any, the claimants are entitled to get by way of compensation and from which of the opponents?
3. What order?

8. My findings on the aforesaid issues, for the reasons stated below are as under:

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

REASONS

Issue No.1

9. It is settled legal position of law that the claim tribunal has to decide the negligence on the touchstone of preponderance of probability. Strict rules of evidence are not applicable in an inquiry conducted by the Claims Tribunal. Further, the Tribunal has to hold an inquiry to determine compensation which must appears to it to be just.

9.1 Ld. Advocate for the claimants has submitted that, in the absence of the driver of other vehicle, the Tribunal cannot determine composite negligence as it would violate principles of natural justice. It is further submitted that in cases of composite negligence, liability is joint and several and therefore, the claimants are entitled to recover the entire compensation from any one of the tortfeasors.

9.2 Per contra, Ld. Advocate for the opponent No.2 – insurance company has filed written submissions vide **Exh.39** and submitted that, as per the police investigation, the accident was caused by the unknown vehicle and therefore, the FIR was filed against the unknown vehicle. He has submitted that there is no negligence on the part of driver of the motorcycle. He has further submitted that the mere involvement of more than one vehicle in an accident does not automatically establish composite negligence. Further, negligence is a sine qua for fastening liability u/s 166 of M. V. Act and in the present case, since the claimants have failed to prove the rashness or negligence on the part of driver of motorcycle, no liability can be fasted on the insurance company. Hence, the insurance company is not liable to pay compensation to the claimants.

9.3 Claimant No.1 who is wife of deceased has submitted her affidavit of examination-in-chief at **Exh.11** and has reiterated the facts as mentioned in the petition. During the cross-examination by the Ld. Advocate for the opponent No.2, she admitted that she has not seen the accident. She denied that as she was not present at the time of accident, she could not say who was negligent.

9.4 The claimants have produced on record the copy of the FIR at **Exh.22** and spot panchnama at **Exh.23**, wherein, the description of motorcycle No.GJ-16-AK-8048 has been mentioned and thus, involvement of the motorcycle is established. If the FIR at **Exh.22** is perused, it was filed by opponent No.1 Jashavantsinh Dolatsinh Niyoria, wherein, he has stated that at around 9:00 pm when he was at his residence, he was informed through phone call by the security supervisor of Biltech Company that an unknown vehicle being driven at a high speed in rash and negligence manner dashed with motorcycle No.GJ-16-AK-8048 near Dhamdod on the Mumbai-Ahmedabad National Highway and upon reaching the place of occurrence, he found deceased and Shaileshbhai Patel lying dead.

9.5 Further, the claimants have produced the Inquest Panchnama at **Exh.24** and P.M. report at **Exh.25** which clearly reveals that the deceased died due to severe head injury. The said evidence led by the claimants has not been controverted by the opponents.

9.6 Therefore, considering the facts and circumstances of the present case and material on record, it appears from the FIR that the accident involved two vehicle i.e. the motorcycle in question and unknown vehicle, and the FIR was registered against the unknown vehicle. However, mere registration of the FIR against unknown vehicle does not exonerate the driver of motorcycle from liability. Further, it appears from the FIR that driver of the motorcycle also succumbed to the injuries and therefore, could not be examined with respect to the negligence in the accident. Hence, there is no material evidence on record to establish that the driver of the motorcycle was not negligent and was not involved in the accident. It is a settled law that in case of composite negligence, liability of tortfeasors is joint and several and the claimants are entitled to recover the compensation from all or any of the joint tortfeasors. Thus, the deceased died because of the accidental injuries while he was travelling as pillion rider and he was not driving any vehicle in this accident. Hence, this is a case of composite negligence.

9.7 In the case of **Pawan Kumar & Anr. v. M/s.Harkishan Dass Mohan Lal & Ors., reported in 2014 SAR (Civil) 365,** the Hon'ble Apex Court has held that in the case of composite negligence each wrong doer is jointly and severally liable to the injured for payment of the entire damaged and the injured person has the choice of proceeding against all or any of them and the injured need not establish the extent of responsibility of each wrong doer separately, nor it is necessary for the court to determine the extent of liability of each wrong doer separately. The Hon'ble Apex Court has, in above cited case, referred the decisions of Hon'ble Apex Court given in the case of (1) **T.O. Anthony v/s Karvarnan**, reported in **(2008) 3 SCC 748** and (2) **Andhra Pradesh State Road Transport Corporation & Anr. vs. K. Hemlatha & Ors.** reported in **(2008) 6 SCC 767**.

9.8 In the case of **T.O. Anthony v/s Karvarnan**, **(Supra),** Hon’ble Supreme Court has held as under :

> *“In an accident involving two or more vehicles, where a third party (other than the drivers and/or owners of the vehicles involved) claims damages for loss or injuries, it is said that compensation is payable in respect of the composite negligence of the drivers of those vehicles. But in respect of such an accident, if the claim is by one of the drivers himself for personal injuries, or by the legal heirs of one of the drivers for loss on account of his death, or by the owner of one of the vehicles in respect of damages to his vehicle, then the issue that arises is not about the composite negligence of all the drivers, but about the contributory negligence of the driver concerned.*
>
> ***6.** 'Composite negligence' refers to the negligence on the part of two or more persons. Where a person is injured as a result of negligence on the part of two or more wrong doers, it is said that the person was injured on account of the composite negligence of those wrong-doers. In such a case, each wrong doer, is jointly and severally liable to the injured for payment of the entire damages and the injured person has the choice of proceeding against all or any of them. In such a case, the injured need not establish the extent of responsibility of each wrong-doer separately, nor is it necessary for the court to determine the extent of liability of each wrong-doer separately. On the other hand where a person suffers injury, partly due to the negligence on the part of another person or persons, and partly as a result of his own negligence, then the negligence of the part of the injured which contributed to the accident is referred to as his contributory negligence. Where the injured is guilty of some negligence, his claim for damages is not defeated merely by reason of the negligence on his part but the damages recoverable by him in respect of the injuries stands reduced in proportion to his contributory negligence.*
>
> ***7.** Therefore, when two vehicles are involved in an accident, and one of the drivers claims compensation from the other driver alleging negligence, and the other driver denies negligence or claims that the injured claimant himself was negligent, then it becomes necessary to consider whether the injured claimant was negligent and if so, whether he was solely or partly responsible for the accident and the extent of his responsibility, that is his contributory negligence.*

9.9 Further, as per the decision in the case of **Khneyei v/s New India Assurance Co. Ltd.** reported in **2015(9) SCC 273,** it is held by the Hon'ble Apex Court as under:-

> *"What emerges from the aforesaid discussion is as follows :*
>
> *(i) In the case of composite negligence, plaintiff/claimant is entitled to sue both or any one of the joint tort feasors and to recover the entire compensation as liability of joint tort feasors is joint and several.*
>
> *(ii) In the case of composite negligence, apportionment of compensation between two tort feasors vis a vis the plaintiff/claimant is not permissible. He can recover at his option whole damages from any of them.*
>
> *(iii) In case all the joint tort feasors have been impleaded and evidence is sufficient, it is open to the court/tribunal to determine inter se extent of composite negligence of the drivers. However, determination of the extent of negligence between the joint tort feasors is only for the purpose of their inter se liability so that one may recover the sum from the other after making whole of payment to the plaintiff/claimant to the extent it has satisfied the liability of the other. In case both of them have been impleaded and the apportionment/ extent of their negligence has been determined by the court/tribunal, in main case one joint tort feasor can recover the amount from the other in the execution proceedings.*
>
> *(iv) It would not be appropriate for the court/tribunal to determine the extent of composite negligence of the drivers of two vehicles in the absence of impleadment of other joint tort feasors. In such a case, impleaded joint tort feasor should be left, in case he so desires, to sue the other joint tort feasor in independent proceedings after passing of the decree or award.*
> *"*

9.10 From the perusal of the material on record and considering the manner in which the accident occurred, the driver of the motorcycle has also died. In view of the manner of the accident, it cannot be said that the accident occurred solely due to the negligence of the driver of the unknown vehicle, nor it can be said that there was no negligence on the part of the driver of the motorcycle. Therefore, in view of the facts and circumstances of the case and evidence on record, it is established that accident has occurred due to the negligence of driver of motorcycle as well as unknown vehicle. Hence, this is a case of composite negligence and it is not necessary for the claimants to establish the extent of responsibility of each wrong doer separately and even it is not necessary for the tribunal to determine the extent of liability of each wrong doer separately. Hence, in view of the above discussion, the submissions of Ld. Advocate for the opponent no.2 – insurance company that driver of motorcycle was not negligent is not accepted. In view of the above, I answer the issue No.1 in the '**Affirmative**'.

Issue No.2

10. It is settled legal position of law that award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner.

11. On perusing the Aadhar Card at **Exh.28**, deceased's birth date is mentioned as 01.01.1986. The claimants have not produced birth certificate or school leaving certificate of the deceased to prove the age of the deceased. However, in absence of the said evidence, Aadhar Card at **Exh.28** is considered to decide age of deceased for the purpose of just compensation. Thus, deceased was 33 years old at the time of accident. Therefore, considering the decision in the case of **Sarla Varma v/s Delhi Transport Corporation & Ors.**

reported in **[2009 ACJ 1298 SC]**, multiplier of **16** is applicable.

12. The claimant No.1 has submitted in her affidavit **Exh.11** that deceased was working as security guard at Alfa Security Service and earning Rs.20,000/- per month. During the cross-examination, she denied that she was not dependent on the income of the deceased.

12.1 Further, claimants have examined opponent No.1 Jashavantsinh Dolatsinh Niyoria at **Exh.17** to prove the income of the deceased, wherein, he stated that he is the owner of Alfa Security Service and deceased Munchunkumar Chaudhari was working as security service guard on contractual base. He produced salary slips from January-2019 to December-2019 at **Exh.18,** appointment letter dated 01.04.2019 at **Exh.19** and appointment letter dated 01.04.2018 at **Exh.18**. If the salary slips of the deceased is perused, it appears that deceased was getting gross salary of Rs.14,949/- for the period from January to March, Rs.15,124/- for the period from April to September and Rs.15,243/- for the period from October to December. Hence, in view of the above, it would be just and proper to consider average monthly income of the deceased as **Rs.15,100/- per month** and **Rs.1,81,200/- p.a.**

12.2 Considering the age of the deceased at the time of accident, this is a fit case to give rise of **40%** in actual salary i.e. **Rs.72,480/-** (Rs.1,81,200 x 40%) in the actual income of the deceased and therefore, annual income including future rise in salary of the deceased would be Rs.1,81,200 + Rs.72,480 = **Rs.2,53,680/-**.

13. As there were four dependents of the deceased at the time of accident, 1/4th amount is required to be deducted towards the personal and living expenses of the deceased to arrive at just compensation.

14. After deduction of personal and living expenses of the deceased, dependency loss would be Rs.2,53,680/- p.a. income – Rs.63,240/- (1/4 of total income Rs.2,53,680/-) = Rs.1,90,260 x 16 multiplier = Rs.30,44,160/-. Therefore, it is just and proper to award sum of **Rs.30,44,160/- under the head of loss of dependency.**

15. As held in ***Para No. 61 (viii) of Pranay Sethi's case*** that reasonable figures on conventional heads, namely; ***Loss of Estate, Loss of Consortium and Funeral Expenses*** should be ***Rs.15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively***. The aforesaid amounts should be enhanced at the rate of ***10%*** in every three years. As six years have been passed from the date of pronouncement of the ***Pranay Sethi (supra)***, therefore, this Tribunal deems fit to enhance the amount to be paid under the conventional head. The date of judgment of ***Pranay Sethi's case*** is 31.10.2017 and therefore, 10% amount under loss of estate would be ***Rs.16,500/-,*** loss of consortium would be ***Rs.44,000/-*** and funeral expenses would be ***Rs.16,500/-*** after 01.11.2020. Now after

01.11.2023, further 10% is required to be enhanced. Therefore, the amount under loss of estate would be ***Rs.18,150/-***, loss of consortium would be ***Rs.48,400/-*** and funeral expenses would be ***Rs.18,150/-***. Therefore, as per the directions of the Hon'ble Supreme Court in ***Pranay Sethi (supra)***, the claimants are entitled to ***Rs.18,150/- towards Loss of Estate*** and ***Rs.18,150/- towards Funeral Expenses***.

15.1 Further, so far as the grant of consortium to the claimant is concerned, the Hon'ble Supreme Court in the case of **New India Insurance Company Ltd. Vs. Somwati 2020 SCC Online SC 720, United Insurance Co. Ltd. Vs. Satinder Kaun 2020 SCC Online SC 410, Joginder Singh Vs. ICICI Lombard General Insurance Company 2019 SCC Online SC 1029, *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram*** *reported in* **2018 (0) AIJEL-SC 62739** has categorically held that in addition to spouse, the children are entitled to parental consortium in the case of death of the parents and parents are entitled to filial consortium in the case of death of their child and the amount to be awarded for Loss of Consortium will be as per the amount fixed in ***Pranay Sethi (supra)***. It is held by the Hon'ble Supreme Court in the case of ***Magma General Insurance Co. Ltd. (supra)*** at **para 8.7** to **para-8.7.8** that,

8.7 A Constitution Bench of this Court in Pranay Sethi (supra) dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is Loss of Consortium.

8.7.1 In legal parlance, "consortium" is a compendious term which encompasses 'spousal consortium', 'parental consortium', and 'filial consortium'.

8.7.2 The right to consortium would include the company, care, help, *comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse. (Rajesh and Ors. vs. Rajbir Singh and Ors.[JT 2013 (8) SC 288].*

8.7.3 *Spousal consortium is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, co-operation, affection, aid the other in every conjugal relation."*

8.7.4 *Parental consortium is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training."*

8.7.5 *Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

8.7.6 *Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognized that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*

8.7.7 *The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of Filial Consortium.*

8.7.8 *Parental Consortium is awarded to children who lose their parents in motor vehicle accidents under the Act.*

15.2 Therefore, claimant No.1, wife of the deceased is entitled to **Rs.48,400/- towards Spousal Consortium**, claimant No.2&3 parents of the deceased are entitled to **Rs.48,400/- each towards Filial Consortium** and claimant No.4, minor daughter of the deceased is entitled to **Rs.48,400/- towards Parental Consortium**.

16. Now, coming to the computation of compensation and by applying the settled guideline, the compensation is calculated as under: -

SUMMARY OF COMPUTATION OF AWARD AMOUNT

1	Date of accident	25.12.2019	
2	Name of the deceased	Munchunkumar Mahendra Chaudhari	
3	Age of the deceased	33 Years	
4	Occupation of deceased	Service	
5	Income of the deceased	Rs.15,100/- per month	
6	Name, age and relationship of legal representatives of deceased		
	Name	**Age**	**Relation**
i	Sonikumari Munchunkumar Chaudhari	30	Wife
ii	Mahendra Darvari Chaudhari *(deleted)*	55	Father
iii	Gayatridevi Mahendra Chaudhari	53	Mother
iv	Minor Aditikumari Munchunkumar Chaudhari	4	Daughter

COMPUTATION OF COMPENSATION

Sr. No.	Description	Amount
7.	Yearly Income of deceased **(A)**	**Rs.1,81,200/-**
8.	**Add** future Prospect **(B)**	**40%** of 1,81,200/- **= 72,480/-**
9.	**Less** personal expenses of the deceased **(C)**	(1,81,200 + 72,480) = Rs.2,53,680 x 1/4 = **Rs.63,420/-**
10.	Annual Loss of Dependency **[(A + B) - C = D]**	2,53,680 – 63,420 = **Rs.1,90,260/-**
11.	Multiplier **(E)**	**16**
12.	Total loss of dependency **(D x E) = (F)**	(1,90,260 x 16) **Rs.30,44,160/-**
13.	Compensation for loss of Spousal, Filial & Parental Consortium **(G)**	48,400 x 4 = **Rs.1,93,600/-**
14.	Compensation for loss of estate **(H)**	**Rs.18,150/-**
15.	Compensation towards funeral expenses	**Rs.18,150/-**

	(I)	
16.	TOTAL COMPENSATION **(F + G + H + I = (J)**	**Rs.32,74,060/-**
17.	RATE OF INTEREST AWARDED	**9% p.a.**

17. Hence, the claimants are entitled to get **Rs.32,74,060/-** as compensation from the opponent Nos.1&2 jointly and severally.

Liability

18. In view of above mentioned discussion, the present accident had occurred because of negligent driving of driver of the motorcycle No.GJ-16-AK-8048. At the relevant time, opponent No.1 was the owner of the said motorcycle No.GJ-16-AK-8048 and this fact is clearly derived from the certificate of registration of the subject vehicle produced at **Exh.26**. Further, on perusing the insurance policy of motorcycle No.GJ-16-AK-8048 at **Exh.27**, it transpires that the vehicle in question was insured with the opponent No.2 for the period from 26.06.2019 to 25.06.2020. Thus, it was valid insurance on 25.12.2019 i.e. the date of accident. Therefore, opponent Nos.1&2 are jointly and severally liable to pay the amount of compensation to the claimants together with costs and interest @ 9% p.a. from the date of claim petition till realization and hence, I answer Issue No.2 in **'Affirmative'** accordingly and for Issue No.3, the following final order is passed:-

ORDER

1. The claim petition stands party allowed.
2. The claimants are entitled to recover **Rs.32,74,060/- (Rupees Thirty Two Lac Seventy Four Thousand Sixty only)** with cost and interest at the rate of 9% p.a. from the date of the claim petition till realization of the amount from the opponents jointly and severally.
3. The interim amount of compensation, if any, paid or deposited under the principle of No Fault Liability, will be adjusted from the aforesaid amount of compensation awarded in this final adjudication.
4. The claimant No.1 shall get **40% share**, claimant Nos.3 shall get **30% share** and claimant No.4 shall get **30% share** in the awarded amount.
5. As per the award, the opponents are directed to transfer the amount of court fees through RTGS or NEFT mode in the account of Additional District Judge, Bharuch, the details of account are as under:

A/c. Name	**Additional District Judge, Bharuch**
Branch Name	**State Bank of India, Muktinagar Branch, Bharuch**
A/c. No.	**40759978524**
IFSC Code	**SBIN0008278**
MICR	**392002002**

6. After depositing the amount of court fees in the account of Additional District Judge, Bharuch, the opponents shall inform with full details, such as, MACP Number, Date of Award, Transfer of Court Fee Amount and Date of Transfer

to this Tribunal on e-mail I.D. mactbha@gmail.com.

7. The claimant/s & guardian of claimant/s are hereby directed to furnish the details of their bank account maintained with Nationalized Bank along with first page of the Passbook showing Account Number, Name of the Account Holder, IFSC Code and other required details duly supported by an affidavit within reasonable time before this Tribunal, if not submitted. It is further directed to the claimants to submit the certificate of the banker certifying that the account is of the concerned claimant/s. Upon receipt of the aforesaid bank details, as per the decision of the Hon'ble Apex Court in the case **Paraminder Singh v. Honey Goyal & Ors.** in Civil Appeal arising out of SLP (C) No.4484 of 2020, the concerned opponents are directed to transfer the awarded amount into bank account of the claimants as per their share within 30 days. Before transferring the amount into the bank account of the claimants, the concerned opponents shall inform the concerned bank of the claimants well in advance regarding the transfer of the awarded amount, so that the concerned bank is able to give effect to the direction of this tribunal regarding depositing of respective amount in fixed deposit.

8. The opponents are also directed to intimate this tribunal on e-mail I.D. mactbha@gmail.com with respect to transfer of awarded amount in the bank account of the concerned claimant/s along with proof of such transfer, such as, MACP Number, Name of Claimant, Amount Transfer, Date of Transfer, Name of Claimant's Bank with Account Number within 7 days from date of transfer.

9. Out of the amount coming to the share of claimant Nos.1&3, **70%** amount shall be invested in FDR by the concerned bank in the name of claimant/s for a period of 5 years. ***Whereas, in case of minor claimant No.4, the entire amount of compensation shall be fixed deposited by the bank for a period of 5 years or till minor attain the age of majority, whichever is later.*** The bank of the claimant/s are directed to intimate the details with respect to the Fixed Deposit/s made as per the present award in the name of claimant/s to this tribunal immediately after depositing the amount in FDR. The concerned Bank is directed not to grant any loan, advances or withdrawal against the said FDRs without obtaining prior permission of this Tribunal. However, the claimant/s will be at liberty to withdraw the periodical interest accrued on the said FDRs. Nazir of the District Court as well as MACP Branch, District Court to ensure the compliance of this award.

10. The cost of the proceedings incurred by the claimant as well as the opponents shall be born by the opponents.

11. MACT Branch is directed to forward the copy of this judgment through E-mail to the insurance company as well as concerned bank of the claimants.

12. Award be drawn accordingly.

Signed & Pronounced in the open Court today on 2nd May, 2026.

Date: 02/05/2026

(Rajesh Karmarsinh Desai)
MAC Tribunal (Main)
Bharuch
Code No.GJ00912