


GJBK010038982021 	DATE OF INSTITUTION	02/11/2021		
	DATE OF REGISTRATION	02/11/2021		
	DATE OF JUDGMENT	17/03/2026		
	DURATION	DAYS	MONTHS	YEARS
		15	04	04

**IN THE TRIBUNAL OF MOTOR ACCIDENT CLAIMS**  
**(3rd AUX.), AT:-PALANPUR. DIST.B.K.**

**M.A.C.P.No.289/2021**

**Ex.:**

<u>Claimant.</u>
<b>Dharmisthaben Nitinkumar Chandulal Papat,</b> Age: 42 years, Occ.Service, R/o.Vajrabhumi 3, Prabhu Residency, Raiya Road, Rajkot.

**Versus**

<u>Opponents.</u>
<b>1. Manojkumar, S/o.Satyanarayan Agrawal,</b> <b>C/o. Balaji Motor,</b> Sarup Ganj, Kacholi Chauraha, Dist.Sirohi (Rajasthan). <b>(Owner of the truck No.RJ-24-GA-1404)</b>
<b>2. Shriram Gen. Ins. Com. Ltd.,</b> <b>Add. 33, Fourth Floor, Sanniddh Complex,</b> Ashram Road, Ahmedabad. <b>(Ins. Com. of truck No.RJ-24-GA-1404 )</b>

**Subject : Claim petition filed U/s.166 of the Motor Vehicles Act, 1988, to get compensation of Rs.10,00,000/-.**

<b><u>Appearance:-</u></b>	
Ld. Adv. for the applicant.	Mr.T.M.Joshi.
Ld. Adv. for the Opponent No.1	None.
Ld. Adv. for the Opponent No.2	Mr.D.K.Thakor.

**-: J U D G M E N T :-**

- (1) The present claim petition is filed by the applicant under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.10,00,000/-, from opponents on account of accidental injuries caused to her in the accident occurred on 10/02/2020.
- (2) The brief facts of the present claim petition are that on 10/02/2020, the applicant was traveling in alto car no. GJ - 08 - F - 9565 from Aburoad to Palanpur by sitting in the said car. At that time, the said car was being driven by Nitinkumar. As and when, the said car was passing through the bridge of Iqbalgadh, at that time, a truck no. RJ-24-GA-1404, driven rashly and negligently, came into the wrong side, dashed the car of the applicant. As a result, the car came in between the truck and luxury bus no. GJ-19-V-7400, passing through the side of the car. Hence, the accident had occurred and due to this, the applicant has sustained severe injuries all over her body. This gave rise to the filing of present claim petition by the applicant.
- (3) It appears from the record that opponents have been duly served with the notices.

Despite being served with notice, opponent no.1 has chosen not to appear in this proceeding to contest the claim petition.

Learned Adv. Mr. D.K.Thakor for the opponent no.2 has appeared and filed his written statement vide Exh.26, wherein, he has denied each and every averments of the claim petition.

(4) In view of the pleadings of the parties, this tribunal has framed the following issues for the determination of the present claim petition at Exh.11, which are as under;

(1) Whether the applicant proves that she sustained injuries due to rash and/or negligent driving of the vehicle involved in accident ?

(2) Whether the applicant proves that she is entitled to get compensation ? If yes, who is responsible to pay compensation and to what extent ?

(3) What award ?

(5) My findings for the above noted issues are as under:-

(1) In the affirmative.

(2) As per final order.

(3) As per final order.

### **REASONS**

(6) The parties have led the following evidence to prove and disprove the contents of claim petition;

<b><u>Sr. No.</u></b>	<b><u>Oral Evidence</u></b>	<b><u>Exh.</u></b>
1.	Affidavit cum chief examination of applicant.	24

<u>Sr. No.</u>	<u>Documents</u>	<u>Exh.</u>
1.	Medical Bills.	34
2.	Copy of Discharge Card.	35
3.	Certificate of Leave Certificate.	36-39
4.	Certified copy of FIR.	40
5.	Certified copy of panchanama of place of offence.	41
6.	Certified copy of truck.	42
7.	Certified copy of insurance policy of truck.	43
8.	Certified copy of MLC.	44

(7) **Issue No.1 :-**

Heard, learned Advocate for the parties and perused the record. Perused the FIR, panchnama of place of offence, chargesheet etc, facts such as date, time, place, involvement of vehicles etc. are not disputed. Medical papers produced on record are also suggesting the fact that the applicant has suffered injuries in the alleged accident.

Now, so far as the negligence which led to the fateful accident is concerned. Applicant has filed his affidavit-cum-examination-in-chief vide Exh.24, wherein she has reiterated the facts of the claim petition. Learned Advocate Mr. D.K.Thakor for the opponent no.2 has also cross-examined her, wherein, she has admitted that the accident had occurred on Palanpur - Aburoad Highway. The fateful road of accident is North-South. He has further admitted that at the time of accident, she was

traveling with other persons. She has further admitted that she was traveling on the back seat of the alto car. She has further admitted that at the time of accident, the said car was being driven by the deceased-Nitinkumar, who was her husband. She has further admitted that in total seven persons were traveling in the car. Out of seven, three persons have died due to the accidental injuries. She has admitted that at the time of accident, the car was traveling from North to South. He has further admitted that at the time of accident, truck came into the east side of the road. She has denied the suggestion that the accident had occurred due to the sole negligent driving of driver of the luxury bus involved in the accident. She has further admitted that truck dashed the left side of the car. She has further denied the suggestion that the accident had occurred due to the sole negligent driving of driver of the car involved in the accident. She has further admitted that the luxury bus dashed the rear end of the car during the accident.

At this stage, it is worthwhile to note here that while deciding the point of negligence, it has to be borne in mind that the negligence is required to be proved in claim petition under Section 166 of the Act only on the touchstone of the preponderance of probability and not beyond doubt. This tribunal has taken aid of the judgment in **Bimla Devi v/s HRTC, reported in AIR**

**2009 SC 2819 and Parmeshwari Devi v/s. Amir Chand, reported in 2011(11) SCC 635.**

Perused the FIR, it reveals that complaint is lodged against the driver of the truck involved in the accident. As per the FIR, when the car was passing through the bridge of Iqbalgadh, at that time, the fateful truck, driven rashly and negligently, came into the wrong side and dashed the car from the front side. As a result, the car drifted towards the luxury bus and luxury bus, which was passing through the side of the car, dashed the car. Hence, the accident had occurred. Looking to the panchnama of the place of offence, it reveals that all the three vehicles involved in the accident are lying on the spot of accident in damaged conditions. It further reveals the car suffered damaged on bumper, bonnet and other parts and the truck as well as luxury bus suffered damages on their front portions. Both luxury bus and truck have suffered damages on their driver cabin. As per the panchnama, the truck came into the wrong side dashed the car of the deceased. Looking to the charge-sheet, it reveals that the police after investigation has filed the charge-sheet against the driver of the truck involved in the accident. The charge-sheet filed by the police remains unchallenged before any Authority. In case of **New India Assurance Co. Ltd. vs. Pazhaniammal (2012 ACJ 1370)**, it has been held that the filing of a charge-sheet by the police is prima facie

evidence of negligence of the driver of the offending vehicle. Despite being granted with ample opportunities, the opponents have not examined the driver of truck to negate the manner of accident as suggested by the applicant. The documentary evidence available on record are supporting the manner of accident as suggested by the applicant. Deceased was traveling as passenger of the car and there is no evidence pointing towards her negligence, hence, this is case of composite negligence vis a vis deceased. It was the duty of the driver of the truck to drive in safe and non-hazardous manner, however, the driver of the truck failed to observe his duty of care and accident had occurred. Therefore, considering the overall facts and circumstances, this tribunal has all reason to held that the driver of the truck was sole responsible for causing the accident. Thus, this tribunal decides Issue No.1 in "**AFFIRMATIVE**".

(8) **Issue No.2 :**

**It is apt to discuss about the Precedential Guidance for just compensation to award the applicant/victim:**

A reference to parameters, for quantifying the compensation under various heads, addressed by the Hon'ble Apex Court is found necessary, to have standard base in the process of quantifying the compensation, to which the claimant is entitled.

(i) With regard to awarding just and reasonable quantum

of compensation, the Hon'ble Supreme Court in Baby Sakhi Greola vs. Manzoor Ahmad Simon and Anr., arising out of SLP(C).No.10996 of 2018 on 11.12.2024, **2024 INSC 963**, considered the scope and powers of the Tribunal in awarding just compensation within the meaning of Act, after marshaling entire case law, more particularly with reference to the earlier observations of the Hon'ble Supreme Court made in Kajal vs. Jagadish Chand and Ors. referred to various heads under which, compensation can be awarded, in injuries cases vide paragraph No.52, the heads are as follows:-

Sr. No.	Head	Amount(in Rs.)
1.	Medicines and Medical Treatment	XXXX
2.	Loss of Earning Capacity due to disability.	XXXX
3.	Pain and suffering.	XXXX
4.	Future Treatment.	XXXX
5.	Attendant Charges.	XXXX
6.	Loss of Amenities of Life.	XXXX
7.	Loss of Future Prospect.	XXXX
8.	Special Education Expenditure.	XXXX
9.	Conveyance and Special Diet.	XXXX
10.	Loss of marriage prospects.	XXXX

(ii). Hon'ble Apex Court in Yadava Kumar Vs. The Divisional Manager, National Insurance Co. Ltd. and Anr, AIR 2010 SUPREME COURT 3741 has observed in para 19 and 20 as under :

19. *This Court also held that in the determination of the quantum of compensation, the Court must be liberal and not niggardly inasmuch as in a free country law must value life and limb on a generous scale (See Hardeo Kaur and others v. Rajasthan State Transport Corporation and another -(1992) 2 SCC 567) : (AIR 1992 SC 1251 : 1992 AIR SCW 1213).*

20. *The High Court and the Tribunal must realize that there is a distinction between compensation and damage. The expression compensation may include a claim for damage but compensation is more comprehensive. Normally damages are given for an injury which is suffered, whereas compensation stands on a slightly higher footing. It is given for the atonement of injury caused and the intention behind grant of compensation is to put back the injured party as far as possible in the same position, as if the injury has not taken place, by way of grant of pecuniary relief. Thus, in the matter of computation of compensation, the approach will be slightly more broad based than what is done in the matter of assessment of damages. At the same time it is true that there cannot be any rigid or mathematical precision in the matter of determination of compensation.*

(iii) In Raj Kumar Vs. Ajay Kumar, AIROnline 2010 SC 125 Hon'ble Supreme Court observed as under :

4. The provision of the Motor Vehicles Act, 1988 (' Act' for short) makes it clear that the 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. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See *C. K. Subramonia Iyer vs. T. Kunhikuttan Nair* - AIR 1970 SC 376, *R. D. Hattangadi vs. Pest Control (India) Ltd.* - 1995 (1) SCC 551 and *Baker vs. Willoughby* - 1970 AC 467).

5. The heads under which compensation is awarded in personal injury cases are the following : Pecuniary damages (Special Damages)

(i) *Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*

(ii) *Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :*

(a) *Loss of earning during the period of treatment;*

(b) *Loss of future earnings on account of permanent disability.*

(iii) *Future medical expenses.*

*Non-pecuniary damages (General Damages)*

(iv) *Damages for pain, suffering and trauma as a consequence of the injuries.*

(v) *Loss of amenities (and/or loss of prospects of marriage).*

(vi) *Loss of expectation of life (shortening of normal longevity).*

*In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that*

*compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life. Assessment of pecuniary damages under item (i) and under item (ii)(a) do not pose much difficulty as they involve reimbursement of actuals and are easily ascertainable from the evidence. Award under the head of future medical expenses - item (iii) - depends upon specific medical evidence regarding need for further treatment and cost thereof. Assessment of non-pecuniary damages - items (iv), (v) and (vi) - involves determination of lump sum amounts with reference to circumstances such as age, nature of injury/deprivation/disability suffered by the claimant and the effect thereof on the future life of the claimant.*

Ultimately in the same judgment in para 13 it is observed as under :

*13. We may now summarise the principles discussed above :*

*(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.*

*(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it*

*differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).*

*(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.*

*(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.*

(iv) Hon'ble Supreme Court in case of Sidram Vs. Divisional Manager, United India Insurance Co. Ltd., AIR 2023 SC (Civil) 25 has also reiterated in para 40 of the observations of Raj Kumar (supra)'s case the general principles relating to compensation in injury cases and assessment of future loss of earnings due to permanent disability.

In the same judgment i.e. in Sidram Vs. Divisional

Manager, United India Insurance Co. Ltd., AIR 2023 SC (Civil) 25, it is observed in para 105 and 106 as under :

*105. This Court in the case of Pappu Deo Yadav (supra), observed:*

*"6. The principle consistently followed by this court in assessing motor vehicle compensation claims, is to place the victim in as near a position as she or he was in before the accident, with other compensatory directions for loss of amenities and other payments. These general principles have been stated and reiterated in several decisions. Govind Yadav v. New India Insurance Co. Ltd. Govind Yadav v. New India Insurance Co. Ltd., (2011) 10 SCC 683 ....."*

*106. In R.D. Hattangadi (supra) it has been held:*

*"12. In its very nature whenever a tribunal or a court is required to fix the amount of compensation in cases of accident, it involves some guesswork, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused. But all the aforesaid elements have to be viewed with objective standards.*

*x x x x*

*17. ....When compensation is to be awarded for pain and suffering and loss of amenity of life, the special*

*circumstances of the claimant have to be taken into account including his age, the unusual deprivation he has suffered, the effect thereof on his future life....."*

(9) Keeping the above presidential guidance in mind

**Analysis of Evidence of the present case:**

In this instant case, the applicant is a government teacher. This fact is clearly visible from the documentary as well as the oral evidence produced on record. The opponents have also not disputed this fact while arguing the present case. Another important fact is that she is still working as government teacher and got promotion and up-gradation in her service. When the accident took place, she was working as a teacher, whereas when her evidence is recorded she is working as a principal. Hence, she has not suffered any loss in her employment due to the accidental injuries caused to her. As a result, there is no future loss of income suffered by the applicant. It is true that applicant has claimed that she suffered loss of two increment in her service due to which, she would have to suffer a loss of Rs.27 Lakhs during her entire service. But this claim cannot be believed, considering the remoteness of the income prospects of the applicant. Hence, the applicant is entitled to get compensation under the head of loss of amenities rather than loss of future income.

(10) Learned Advocate for the applicant has argued that the

applicant is entitled to get future loss of income as per the judgment of Hon'ble Gujarat High Court in Somabhai Dhulabhai vs. State of Gujarat, reported in 1993 (2) GLR 714 as she has suffered 50% permanent disability body as a whole. This argument is bereft the evidence on record. In cross-examination, the applicant has accepted that she has not produced any disability certificate. Even the certificate produced by the applicant is otherwise in which the doctor opined that there is no disability (Exh. 38).

- (11) This argument of the learned Advocate cannot be sustainable as applicant is a government teacher and she has not suffered any accidental injury which may take away his avocation. The documents produced by the applicant/claimant suggest that due to her absence from service, the department sought certificate of her fitness (Exh. 36). The applicant/claimant has produced the certificate of her fitness before the department issued by Chief District Medical Officer cum Civil Surgeon, General Hospital Amreli vide Exh. 38. In Exh. 38 certificate the doctor who has examined her on 02/08/2021 has found that she is not suffering from any disease, constitutional weakness or bodily infirmity for the disqualification from employment in the office of TPEO, Rajula. As such, there is no disability certificate produced by the applicant, which may depict the disability suffered by the applicant. If we perused the

cross-examination of the applicant, she has admitted that she is still serving in the department and she has also got promoted. Thus, the applicant has not suffered any loss in her employment and she has also get the benefit of promotion in her service in spite of receiving accidental injuries. Hence, the applicant is entitled to get loss of amenities instead of future loss of income.

- (12) Now, looking to the medical papers on record, it reveals that the applicant has suffered serious head injuries and multiple other injuries in the fateful accident. Due to these injuries, the applicant has been under medical treatment for long two years continuously. Although, the medical certificate shows that she has not any disease, constitutional weakness or bodily infirmity. But the fact remains that the applicant must be facing difficulties in carrying out day to day activities especially considering her long period of treatment history. Hence, this tribunal deems it fit to award Rs.4,00,000/- to the applicant under the head of loss of amenities of life as claimed in the petition and appears to be just.
- (13) Learned Advocate for the applicant has argued that applicant taken leave of 726 days without pay. Hence, this period of applicant may be considered as Actual loss of Income.
- (14) In this regard, it is relevant to observe that looking to the

documents available on record more particularly, the letter of District Education Officer, Amreli at Exh.39, which shows that the applicant has availed leave of 726 days. As discussed above, medical papers of the applicant suggest that the applicant has undergone prolong medical treatment to overcome the accidental injuries caused to her. This fact is also not disputed by the opponents. The oral and documentary evidence sufficiently proved the fact that the applicant has taken continuous leave for a period of two years. The applicant has admitted that applicant was drawing a salary of Rs.41,000/- per month at the time of accident. Hence, this tribunal thinks it just to award Rs.9,84,000/- (Rs.41,000/- X 24 months) towards Actual Loss of Income.

- (15) The applicant has suffered accidental injuries and this is clearly visible from the documentary evidence available on record. As the applicant has suffered accidental injuries, she must have suffered pain, shock and sufferings and undergone mental trauma. Hence, the applicant is entitled to get Rs.2,00,000/- towards pain, shocks and sufferings.
- (16) Learned Advocate for the applicant has argued that the applicant has expended Rs.8 Lakhs towards the medical treatment. However, looking to the medical bills produced on record, it reveals that the applicant has

produced the medical bills worth Rs.7,67,000/-approx. Therefore, the applicant is entitled to get Rs.7,70,000/- towards the medical expenses in round figure. Learned Advocate for the applicant in his written argument has claimed Rs. 2,00,000/- as expenditure of future treatment but this argument is also bereft the evidence on record as not a single document is produced that she needs further treatment due to accidental injuries. She is found fit as on 02.08.2021 as per the certificate produced vide Exh. 38 by applicant herself. Hence, there is no requirement of any future treatment, therefore, the amount claimed as expenditure as future treatment is not considered in absence of any cogent document on record.

- (17) No doubt, the applicant has also expended money towards the transportation, special diet and attendant charges as the applicant has been under treatment for long period of time i.e.2 years for the accidental injuries, she received in the accident. During these long period, she certainly have visited hospital on various occasions for consulting the doctor. She certainly have consumed special diet for the swift recovery from injuries which she received in the accident. Due to these injuries, she must require attendant for a long period of time. Thus, considering the injuries as well as prolong medical treatment, this tribunal awards Rs.2,00,000/- towards the transportation, attendant and special diets.

Hence, keeping in mind the ratio of just compensation, the applicant is entitled to get the following amounts;

Sr. No.	Head	Amount(in Rs.)
1.	Medicines and Medical Treatment	Rs.7,70,000/-
2.	Loss of Earning Capacity due to disability.(Actual Loss)	Rs.9,84,000 /-
3.	Pain and suffering.	Rs.2,00,000/-
4.	Future Treatment.	XXXX
5.	Attendant Charges.	Rs. 25,000/-
6.	Loss of Amenities of Life.	Rs.4,00,000/-
7.	Loss of Future Prospect.	XXXX
8.	Special Education Expenditure.	XXXX
9.	Conveyance and Special Diet.	Rs. 75,000/-
10.	Loss of marriage prospects.	XXXX
	<b>Total (Rupees Twenty Five Lakhs Fifty Four Thousand Only)</b>	<b>Rs.25,54,000/-</b>

### **INTEREST**

- (18) The claimant has prayed for interest at the rate of 12% per annum. Therefore, I have sought guidance from the judgment of Hon'ble Supreme Court in National Insurance Com. vs. Pranay Sethi (supra), wherein the Hon'ble Supreme Court has allowed the interest at the rate of 9% and hence, I hold that claimants are entitled to get 9% per annum.

### **LIABILITY**

- (19) Learned Advocate Mr.D.K.Thakor for the opponent no.2 insurance company while relying on the investigation

report of the insurance company has argued that the truck was not having valid permit at the time of accident. This is a clear breach of terms and conditions of the insurance policy. Hence, this opponent is not liable to pay any compensation to the applicant.

(20) In this regard, it is relevant to observe that the insurance company has not examine any witness. It has even not examined the investigator who has investigated the accident case and prepared the report for the insurance company. Moreover, the insurance company has also compromised the cognate claim petitions i.e. MACP No.284/2021, MACP No.285/2021, MACP No.286/2021 and MACP No.287/2021. The insurance company has also not examined any authority from the RTO. Hence, the defence of insurnace company regarding the permit of the truck is not sustainable as it has already arrived at compromise in cognate claim petitions and has also not brought on record any evidence which is going to support its defence.

(21) As discussed above, the accident had occurred due to the sole negligent driving of driver of the truck involved in the accident. Looking to the record, it reveals that the opponent no.1 and 2 are the owner and insurer of the offending truck. It further reveals that the insurance policy of the truck was also in force at the time of accident. Therefore, opponents no.1 and 2 are jointly and

severally liable to pay compensation to the applicants.

- (22) Based on the above discussion and observations, I accordingly give my findings for the Issue no.2 & Issue no.3 as per the following final order as under;

**-:O R D E R:-**

1. The present claim petition is partly allowed against opponent Nos.1 and 2.
2. Opponents no.1 and 2 are directed to pay compensation amount of **Rs.25,54,000/- (Rupees Twenty Five Lakhs Fifty Four Thousand Only) jointly and severally** to the applicant together with costs and interest at the rate of 9% p.a., from the date of filling the claim petition till actual realization.
3. Opponents no.1 and 2 are hereby directed to deposit the above amount within 30 days from the date of award of this Tribunal.
4. The aforesaid opponents no.1 and 2 are directed to deposit the amount of compensation through **RTGS / NEFT in Bank account details of Motor Accident Claims Tribunal, Banaskantha at Palanpur, as under:**

Name of Bank	STATE BANK OF INDIA
Name of Account	MACT, DISTRICT COURT, PALANPUR
Bank Branch Name	OPP. OLD GANJ BAZAR,

	<b>MAIN BRANCH, PALANPUR</b>
Bank Account No.	<b>40902081331</b>
IFSC No.	<b>SBIN0000443</b>
Email Address	<b>mact-palanpur@gujarat.gov.in</b>

5. The applicant is directed to furnish her bank particulars i.e. bank account number along with branch name, IFS Code, Copy of Pan Card before the Registry and thereafter, Registry is directed to make disbursement of the amount of compensation accordingly.
6. After the amount is deposited, requisite court fees, if any, and/or interim compensation received earlier, is ordered to be deducted first from the awarded amount.
7. After above deduction, **30%** share of applicant be paid by account payee cheque/NEFT/RTGS after due verification and the remaining **70%** share of applicant be deposited as FDR in her name in any Nationalized Bank as per choice for a period of Five Years.
8. The opponents shall also bear costs of its petition as well as the petition of applicant.
9. The investment of Fixed Deposit shall carry the following terms and conditions:-
  - (A) Applicant is entitled to get interest on the Fixed Deposit receipt quarterly if she desires without permission of this

Tribunal.

- (B) No loan, overdraft or advance, known by any name or nomenclature shall be made available on the said FDR and the Bank shall not allow any encumbrance on the said Fixed Deposit.
- (C) At the end of stipulated period of F.D., as aforesaid the Bank shall pay the total amount of F.D. with interest accrued thereon, if any by A/c Payee Cheque to be drawn in the name of the applicant without permission of the Tribunal.

10. Yadi incorporating this order to accompany the cheque shall be furnished to the Bank and a copy thereof also be furnished to the applicant.

11. Opponents have to follow direction given by the Hon'ble High Court of Gujarat in case of Hansa Gauri Prafulchandra Ladhani reported in 2007 ACJ 1897 regarding income tax liability.

12. Award is to be drawn accordingly.

Signed & pronounced today, **on this 17th day of March, 2026.**

Place : Palanpur  
Date : **17/03/2026**

**(Piyushkumar A. Patel)**  
Chairman  
M.A.C. Tribunal(Auxi.)  
Palanpur, Dist.Banaskantha.  
**Code-GJ00803**