

MAC Miscellaneous Application No.108/2026

Order below Ex.1 :

01. The petitioner submitted that she is original claimant in the MACP No.572 of 2005 and she has preferred claim petition against the opponents and the same was decided in favour of claimants by the M.A.C. Tribunal (Auxi), Bhavnagar.

02. Being aggrieved and dissatisfied with the said judgment and award, opponent - insurance company had preferred R/First Appeal No.1604 of 2015 before the Hon'ble High Court of Gujarat which came to be disposed of by the Hon'ble High Court of Gujarat and had passed the following order on 26.11.2025:

“23..... the Insurance Company shall first pay to the claimants and thereafter be at liberty to recover the amount of compensation from the owner, who has been impleaded in the original proceedings at Opponent No.1 and in the present appeal at Respondent No.2. Insofar as, the driver is concerned, the Insurance Company may take steps for recovery against him, however, after filing and succeeding in appropriate proceedings before the competent forum.

24. The impugned judgment and award stands modified to the aforesaid extent. Rest of the judgment shall remain unaltered.

25. Moreover, in view of the orders dated 10.08.2015 and 05.10.2015, indicating that the entire award amount has been deposited before the

Tribunal by the appellant, it is ordered that the amount to the extent that has not been disbursed to the original claimants be forthwith disbursed in accordance with law.

26. The appeal stands disposed of in aforesaid terms.

27. The record and proceedings be sent back forthwith to the Tribunal."

03. Further, it is submitted that as per report of the Nazir, District Court, Bhavnagar, the **FDR for the amount of Rs.8,89,301/- in the name of applicant**, is lying with the Nazir, District Court, Bhavnagar.
04. I have gone through the contents of the application as also the endorsement made by the other side as **"No Objection"** if the amount be paid to the claimant as per the order of the Hon'ble High Court, in the said application.
05. It is further submitted that at the time of filing of the main claim petition, the present claimant was minor but now she become major so, she herself has filed this application for her study.
06. Looking to the facts and documents available on record, it clearly transpires that Insurance company has preferred R/First Appeal No.1604 of 2015 before

the Hon'ble High Court of Gujarat, which has been disposed of by the Hon'ble High Court. In support of application, the applicant has produced copy of award of MACP No.572/2005, payment order, bank yadi, PAN Card of applicant, order of Hon'ble Gujarat High Court passed in R/First Appeal No.1604/2015, birth date certificate of applicant, Aadhar card of applicant, etc at mark 4/1 to 4/7. All these documents corroborate the say of the petitioner herein. Therefore, the petitioner is entitled to receive the amount of FDR which is lying in the custody of the Nazir, District Court, Bhavnagar. Hence, I pass following final order :-

FINAL ORDER

- The present application is hereby allowed.

- The Nazir, District Court, Bhavnagar, is hereby directed to hand over the original **FDR for the amount of Rs.8,89,301/-** to the concerned applicant/s lying with it, after due verification.

- The **Concerned Bank Manager, Syndicate Bank now Canara Bank, Bhavnagar** is hereby directed to release the amount of **FDR** alongwith an interest accrued thereon if any, as per rules and regulation of

the Bank to the petitioner, after due verification.

- Yadi be sent to the concerned Bank as well as Nazir, District Court, Bhavnagar.

Pronounced in Open Court today, i.e. on this **13th Day of March, 2026.**

B H A V N A G A R.

DATE : 13/03/2026

deraiya

(JIGNESH GIRISHBHAI DAMODRA)

M.A.C. Tribunal (Auxi.),

Bhavnagar.

UNIQUE ID CODE NO. **GJ00996**