Filed On	21.03.2012		
Registered On	21.03.2012		
Decided On	24.06.2026		
Duration	**DYS**	**MTS**	**YRS**
	03	03	14

सत्यमेव जयते

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN) AT DAHOD

Motor Accident Claim Petition No.74/2012
Exh.48

CLAIMANT :-	**Age (Years)**	**Occupation**	**Resident**
Pratapsinh Ganpatbhai Baman	35	Grocery Shop & Transport Now Nil	Chandvana, Tal. Dahod, Dist. Dahod.

VERSUS

OPPONENTS :-

(<u>Driver, Owner and Insurance Company of Maruti Van No.GJ-20 A-1264</u>)

1) Prakash Girvarsinh Nayak	Adult	Driver	Bim Faliya, Tal. Dist. Jhabua (MP).
2) Seemaben Kasursing Baman widow of	Adult	Owner	Presently Resident of

	Prakash Girvarsinh Nayak	Bim Faliya, Tal. Dist. Jhabua (MP).
3)	United India Insurance Company Ltd.,	Insurance Company, At Padav, Dahod.

LEARNED ADVOCATES FOR THE PARTIES

Mr. H. S. Kapadiya	:	Ld. Adv. For Claimant
Mr. M. D. Rathod	:	Ld. Adv. For Opponent No.1
Opponent No.2	:	Ex-parte
Mr. S. S. Parikh	:	Ld. Adv. For Opponent No.3
		(The United India Insurance Co. Ltd.)

Claim for Rs.15,00,000/- Under Section 166 of the M. V. Act

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

(1) Claimant Pratapsinh Ganpatbhai Baman has filed this claim petition u/Sec.166 of the Motor Vehicles Act (hereinafter referred to as 'the M. V. Act' in short) claiming compensation of Rs.15,00,000/- for accidental injuries sustained by him in a vehicular accident, which took place on 19.10.2011.

(2) The factual matrix of the claim petition are that, on 19.10.2011, the claimant was returning to his house by walking after leaving his daughter in school and was going towards Mandavav Circle, at that time, opponent No.1 came by driving vehicle Maruti Van No.GJ-20 A-1264 in a rash and negligent manner and due to overspeed, the opponent No.1 lost control over the Maruti Van whereby the Maruti Van hit the claimant

hence he sustained severe injury including fracture and was treated in hospital. The accident is attributed due to the negligence of Opponent No. 1. Accordingly, an FIR vide C. R. No.I-113/2011 came to be lodged with Dahod Town Police Station against the opponent No.1.

(3) It is the case of the claimant that as a result of the accident, he sustained injuries with fracture and underwent treatment in hospital an indoor and outdoor basis. He suffered pain and suffering and spent a huge amount for medical treatment, attendants, transportation and taking special diets. It is also the case of the claimant that, prior to the accident, he was gainfully employed and earning Rs.15,000/- per month from transport work as well as running grocery shop; however, the sequel of the injuries and disability arisen out of the accidental injuries have drastically reduced his ability to perform his work. The Claimant therefore prays for an award of Rs.15,00,000/- against the opponents to cover both special and general damages.

(4) It transpires from the record that, previously, this claim petition was dismissed by the learned M. A. C. Tribunal (Main), Dahod vide judgment & order dtd.20.07.2021 (Exh.14), against which, the claimant filed restoration application under M.A.C. M.A.No.133/2021, which also came to be rejected by the then M. A. C. Tribunal (Main), Dahod vide order dtd.05.07.2023. The said order was challenged by the claimant by way of filing R/ Special Civil Application No.3050 of 2025 before the Hon’ble High Court of Gujarat and the Hon’ble High Court of Gujarat

vide order dtd 27.11.2025 has restored this claim petition being M.A.C.P.No.74/2012 to its original file and further directed to decide the same at the earliest preferably within a period of six months from the date of receipt of order after giving opportunity to both the parties. Hence this claim petition has been restored to its original file and proceeded further in accordance with the law.

(5) Earlier, the opponent No.1 was appeared before the Tribunal through learned Advocate Mr. M. D. Rathod and though the notice was issued upon the opponent Nos.1 and 2, they have neither appeared before the Tribunal and nor filed written statement against the claim petition.

(6) The learned Advocate Mr. A. N. Kapadvanjwala has filed his Vakalatnama on behalf of opponent No.3 United India Insurance Co. Ltd. and filed Written Statement vide Exh.40 whereby the opponent Insurance Company has denied the facts of the claim petition and grounds mentioned in claim petition to recover compensation from opponent No.3 Insurance Company together with the alleged negligence on the part of the opponent No.1, involvement of vehicle Maruti Van No.GJ-20 A-1264 and accidental injuries of the claimant sustained in the accident. The brief facts of the claim petition are also denied. It is contended that, the driver of vehicle Maruti Van did not hold valid and effective driving license on the day of accident. Lastly, it is prayed to dismiss the claim petition against the opponent No.3 with costs.

(7) The learned Advocate appearing on behalf of the Opponent No. 3 Insurance Company moved an application at Exh.24 seeking leave of the Tribunal to contest the claim petition on all available grounds under Section 170 of the Motor Vehicles Act. The said application was duly allowed by this Tribunal vide order dated 07.05.2026.

(8) As per the record, the claimant filed an application vide Exh.4 for interim compensation u/Sec.140 of the M. V. Act, which came to be disposed of by the learned M. A. C. Tribunal (Main), Dahod vide order dtd.18.01.2021.

(9) During the proceedings of this claim petition, both parties have been given sufficient opportunity to produce their ocular and documentary evidence to prove their case. The claimant has filed his affidavit by way of chief-examination at Exh.25 and he is cross-examined by learned Advocate Mr. A. N. Kapadvanjwala for the opponent No.3 Insurance Company while the opponent Nos.1 & 2 have remained undefended. During the course of hearing, following documents have been produced by the claimant in support of his claim petition.

Sr. No.	**Documentary Evidence**	**Exh.**
1	Certified copy of F. I. R.	28
2	Certified copy of Panchnama of the spot	29
3	Certified copy of Injury Certificate of claimant	30
4	Certified copy of Certificate of Registration of Maruti Van	31

5	Certified copy of Driving License of opponent No.1	32
6	Certified copy of Policy Yadi made to the Court	33
7	Certified copy of Extract of Charge-sheet filed by police	34
8	Photo copy of Aadhar Card of the claimant	35
9	Photo copy of School Leaving Certificate of claimant	36
10	Photo copy of H. S. C. Mark-sheet of the claimant	37
11	Certificate of Talati-cum-Mantri	38
12	Certified copy of Insurance Policy of Maruti Van	41
13	Medical Bills regarding treatment of claimant (Total Rs.3,49,009/-)	42
14	True copy of Disability Certificate of claimant	44

(10) The opponent Nos.1 and 2 have remained absent before the Tribunal at the time of recording evidence of the claimant. The learned Advocate for claimant has closed his evidence by filing pursis vide Exh.46. The opponent No.3 Insurance Company has chosen not to lead any oral or documentary evidence against the claim petition and filed closing pursis vide Exh.47.

(11) Heard the arguments of learned Advocate Mr. H. S. Kapadiya on behalf of the claimant and learned Advocate Mr. A. N. Kapadvanjwala on behalf of the opponent No.3 Insurance Company.

(12) Considering the averments of the claim petition and defence of the opponents, following issues were framed by the then M. A. C. Tribunal (Main), Dahod vide Exh.13.

1. Whether the applicant proves that he sustained injuries on account of rashness or negligence in driving on the part of the driver of the vehicle involved in the accident ?
2. What amount, if any, the claimant is entitled to by way of compensation and from which of the opponents ?
3. What order and award ?

(13) My finding on the above issues are as under for the following reasons.

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

(14) Learned Advocate Mr. H. S. Kapadiya for the Claimant has submitted in his arguments that, the claimant by producing oral and documentary evidence has proved that the accident took place because of speedy and careless driving of the opponent No.1 being the driver of Maruti Van No.GJ-20 A-1264 wherein he sustained severe injuries including fracture. Complaint was lodged against the driver of offending Maruti Van. Since the claimant was under treatment, there was a delay of four days. Charge-sheet was also filed against the opponent No.1 being the driver of offending Maruti Van. There is no reason to disbelieve

the income of the claimant as stated by him in affidavit. It is submitted that, the opponent No.1 was holding valid and effective driving license on the day of accident and the claimant was a third party for offending Maruti Van, therefore, the opponent No.3 Insurance Company cannot avoid its liability to pay compensation. He has submitted that, the claimant studied upto Std-12 and was earning Rs.15,000/- per month by running grocery shop and transport business and the same income may be considered. It is submitted that, the claim petition has been restored as per the Hon'ble High Court's order, therefore, he is entitled to the interest on compensation amount as ordered by the Hon'ble High Court.

(14.1) He has referred to the following judgments of the Hon'ble High Court of Gujarat and the Honourable Supreme Court.

1. **1999 (2) G.L.R. 1019 (Hon'ble Gujarat High Court)** : Gabhubhai Sevabhai Koli & Anr. Vs. Gujarat State Road Transport Corporation;

2. **2014 ACJ 627 (Honourable Supreme Court)** : Syed Sadiq & Ors. Vs. Divisional Manager, United India Insurance Co. Ltd;

3. **2007 ACJ 2557 (Hon'ble Gujarat High Court) :** National Insurance Co. Ltd. Vs. Yogeshbhai Ramanbhai Shah & Others;

4. **2007 ACJ 2562 (Hon'ble High Court of Uttaranchal at Nainital)** : Oriental Insurance Co. Ltd. Vs. Kamlesh Sharma & Others;

5. **2011 (4) T. A. C. 873 (SC)** : Mohamadi & Others Vs. Union of India;

6. **2011 (4) T. A. C. 894 (SC)** : Rubi (Chandra) Dutta Vs. United India Insurance Co. Ltd;

7. **2008 ACJ 1357 (SC)** : Bilkish Vs. United India Insurance Co. Ltd;

8. **2021 ACJ 1430 (SC)** : Rahul Sharma & Anr. Vs. National Insurance Co. Ltd;

9. **2021 ACJ 652 (Hon'ble Gujarat High Court)** : Kamlaben Virabhai Solanki & Ors. Vs. Ajaykumar Manilal Patel & Anr;

10. **R/First Appeal No.3596 of 2013 (Hon'ble High Court of Gujarat)** : Dineshkumar Shankarlal Thakkar & 3 Others Vs. Chetankumar Hasmukhlal Thakkar & 2 Others.

(15) As against this, learned Advocate Mr. A. N. Kapadvanjwala has contended in his arguments that, the complaint was lodged after a delay of four days, which shows that vehicle Maruti Van was involved afterwards to recover compensation from the Insurance Company. The income as stated by the claimant is not believed in absence of any documentary proof and minimum income, if any, may be considered. It is submitted that, the claimant has agreed to waive the interest from the date of dismissal of claim petition till the date of restoration of claim petition, therefore, he is not entitled to the interest for such period.

-: <u>REASONS</u> :-

Issue No.1 <u>Negligence</u>

(16) In order to succeed in the claim petition, the claimant has to prove that the accident happened because of rash and negligent driving on the part of the driver of offending vehicle involved in the accident.

(17) As per the settled position of law by the Honourable Supreme Court in the case of **Bimla Devi V/s. H. R. T. C.,** reported in **AIR 2009 SC 2819** and **Parmeshwari Devi V/s. Amir Chand** reported in **2011 (11) SCC 635**, while deciding the point of negligence, the Tribunal has to borne in mind that issue of negligence in claim petition under Section 166 of the M. V. Act is to be decided on the touch stone of preponderance of probability and not beyond the reasonable doubts.

(18) Here in this case, it is the case of claimant that, the accident alleged in the claim petition occurred due to rash and negligent driving of the opponent No.1 i.e. driver of Maruti Van No.GJ-20 A-1264. To prove the issue of negligence, the claimant has filed his affidavit in the form of chief-examination vide Exh.25 and produced various documents on record. Having considered the oral evidence of the claimant and perusing the above documents on record, it transpires that, on 19.10.2011, he was returning after leaving his daughter in the school and at 12.30 p.m. he was passing near Mandavav Circle, at that time, the opponent No.1 came by driving Maruti Van No.GJ-20 A-1265 in a rash and negligent manner and lost control over the

steering whereby the Maruti Van had hit him from behind hence he sustained severe injuries on right leg and other parts of the body. It is specifically stated that, this accident occurred because of speedy and careless driving on the part of the opponent No.1 and complaint was lodged against the opponent No.1 vide C. R. No.I-113/2011 with Dahod Town Police Station and charge-sheet was also filed against him before the Hon’ble Court.

(19) In cross-examination of the learned Advocate for the Insurance Company, he denies that at the time of accident, he was talking on mobile phone while walking in middle of the road. No contrary fact is brought on record, so far as the nature of accident is concerned.

(20) On perusal of the F. I. R. (Exh.28) lodged by Rameshbhai Ganpatbhai Baman, it reveals that on 19.10.2011 at 12.30 p.m., he came to know that his brother Pratapbhai was hit by a Maruti Van and accident occurred hence he rushed to Saifee Hospital where he saw his brother Pratapbhai with injuries including fracture over right leg. As per the F. I. R., injured Pratapbhai informed complainant Rameshbhai that, when he was going by walking towards Padav, he was hit by a Maruti Van No.GJ-20 A-1264 driven in a rash and negligent manner, from behind whereby he fell down and sustained injuries. Therefore, he lodged complaint against the driver of Maruti Van No.GJ-20 A-1264.

(21) The complaint was lodged with a delay of four days. Looking to the contents of the complaint, it was lodged by the

brother of injured claimant and it is but natural that the complainant would have been engaged in treatment of the injured and the complaint might have been delayed due to the said reason. It is not the case of the opponents that, the accident did not occur from Maruti Van No.GJ-20 A-1264 or it occurred by any other vehicle. Further, the claim petition is filed under the provision of the M. V. Act to recover compensation and while deciding this claim petition, in absence of any contrary evidence, this technicality of delayed FIR by four days cannot be said to be fatal to the claim petition.

(22) The complaint was lodged against the opponent No.1 regarding rash and negligent driving of vehicle Maruti Van No.GJ-20 A-1264. Nature of accident as occurred is stated by the complainant in his complaint and he was informed by the injured himself as to how the accident occurred. As per documents Exh.33 and Exh.34, the opponent No.1 was produced before the Court as accused regarding this accident and after investigation, Police had filed charge-sheet against the opponent No.1 with regard to the accident alleged in this claim petition. The opponent No.1 has not stepped into witness box to stated as to how the accident occurred. He is not examined by the opponent Insurance Company as witness. As per the evidence, the claimant was hit by Maruti Van from behind and it is unrebuttal fact on record.

(23) In view of the above discussion, according to the opinion of this Tribunal, the claimant has successfully proved that due to

rash and negligent driving on the part of the opponent No.1 being the driver of Maruti Van No.GJ-20 A-1264, this accident occurred wherein the claimant sustained injuries. Therefore, answer to the issue No.1 is given in the affirmative accordingly.

ISSUE NO.2 : <u>Compensation</u> :-

(24) The next important question is to determine, just, fair and reasonable amount of compensation, which should be awarded to the claimant for having suffered injuries in the accident.

(25) So far as quantum of compensation claimed under various heads by the claimant is concerned, it would be appropriate to refer the facts and circumstances emerging from the record and in view of the evidence placed on record by the claimant before the Tribunal, the question as to what is just compensation to be awarded by this Tribunal being compensation in the petition, is required to be decided.

(26) The claimant has stated in his petition that he was aged 35 years and monthly earning Rs.15,000/- from transport and grocery shop. In affidavit of evidence, the claimant has not stated his exact age on the day of accident, however, as per the affidavit of claimant, he was aged 48 years on the day of making affidavit i.e. 07.05.2026. It is admitted fact that the claimant has not produced his Age Certificate or Birth Certificate on record but the claimant has placed on record copies of his Aadhar Card vide Exh.35 and School Leaving Certificate vide Exh.36wherein the

date of birth of the claimant is mentioned to be 04.06.1972. The accident occurred on 19.10.2011. In absence of contrary evidence, the age of the claimant, based on the aforesaid two documents, is taken to be 39 years, 04 months and 15 days for deciding the income and multiplier.

(27) As regards the income of deceased, it is stated by the claimant in his affidavit of evidence that he was running a grocery shop at village Chandvana and also running transport business and he was earning monthly Rs.15,000/- from it. The claimant has produced copy of Higher Secondary Mark-sheet vide Exh.37 which makes it clear that the claimant has passed the Higher Secondary Exam in Two Grade. The claimant has further produced a Certificate of Talati-cum-Mantri, Chandvana vide Exh.38 stating that the claimant was running grocery shop and transport business in his owned shop in Year 2012. To prove this income, the claimant has not examined any witness and even, no supporting documentary evidence i.e. Registration Certificate, Ownership of Shop, Accounts of Business / Shop etc. is placed on record by the claimant to show that he was running business in his owned shop. This Tribunal has further placed reliance upon the law laid down by the Honourable Apex Court in **Kirti vs. Oriental Insurance Co. Ltd. : [2021 (2) SCC 166].** In absence of cogent evidence and on the basis of evidence on record together with the age & occupation of claimant, place of work, minimum wages on the day of accident (Year 2011), mark-sheet of H. S. C. and other relevant aspects, this Tribunal takes the monthly income of the claimant to be Rs.4,000/-.

(28) As per the testimony of claimant Pratapbhai (Exh.25), in this accident, he sustained severe injuries including fracture on thigh of right leg and over knee of right leg with injuries on forehead and right hand and for that, he was taken to Saifee Orthopedic Hospital and after primary treatment, he was referred to ‘Shubhechcha Multispeciality Hospital at Vadodara wherein he was treated as indoor patient from 19.10.2011 to 25.11.2011. He was operated three times and plates were inserted. During the period of operation, he was given blood transfusion by 08 bottles. It is stated that, he had received physiotherapy treatment in hospital and because of accidental injuries, he suffers permanent disability over leg, as such, he is no longer able to work as he did before the accident and his working capacity is declined. He suffers difficulties in daily routine activities. In support thereof, the claimant has produced on record copy of Injury Certificate of Shubhechcha Multispeciality Hospital, Vadodara vide Exh.30 certifying that, Pratapsinh Baman, R/of. Chandvana was treated in Saifee Orthopedic Hospital at Dahod and thereafter, admitted in his hospital and on examination, he had acetabalum communited fracture, displaced fracture with dislocation of right hip and displaced fracture over right pubic rami bone with CLW above knee joint on right side and on leg and he was treated from 19.10.2011 to 09.11.2011; during which, he was operated. The injury was stated to be grievous. As regards the disability, the claimant has produced Disability Certificate of General Hospital, Dahod vide Exh.44 whereby after examining the claimant, the Medical Expert has assessed permanent physical impairment of the claimant for the aforesaid

three fractures to the extent of 50% which the parties have agreed to assess @35% for body as a whole as per pursis Exh.43. Hence, the disability is taken at 35% for body as a whole.

(29) Now, considering 35% disability for body as a whole as the per the joint pursis given by the learned Advocates appearing on behalf of the parties and multiplier of 15 as decided herein above, the future loss of income will be as follows and it is awarded to the claimant.

Loss of Future Income = Rs.4000/- (monthly income) x 35% disability x 12 months X 15 (multiplier applicable) = **Rs.2,52,000/-** which is to be granted under the head of future economic loss.

(30) While deciding the compensation under the head of pain, shock and suffering, the Medical Evidence together the period of treatment as inpatient has to be considered. As per medical evidence, the claimant had injuries in the nature of three fractures described herein above. Since the nature of injury as grievous as opined by the Medical Expert, naturally, he would have taken treatment in the hospital as indoor patient and he would have been remained under follow-up treatment for a reasonable period after discharge from the hospital. So, considering the nature of injury, **Rs.12,000/-** is awarded to the claimant under the head of pain, shock and suffering.

(31) So far as the actual loss of income is concerned, the claimant has stated that, due to the injuries, he had to rest for

twelve months and he lost his income for that period. No document is produced by the claimant in support of his say. As per the medical evidence, the claimant had multiple fractures and he remained as indoor patient in hospital for 21 days. Considering these facts, more particularly, nature of injury, according to the opinion of this Tribunal, three months requires to be considered for actual loss of income and accordingly, Rs.4,000/- X 3 months = **Rs.12,000/-** is awarded to the claimant under the head of actual loss of income.

(32) The claimant has claimed compensation for expenses incurred towards his medical treatment and produced Medical Bill of Shubhechcha Multispeciality Hospital, Vadodara, Physiotherapy Centre, Baroda Imaging Centre, Blood Bank and other medical agency (Total 126 Bills) for total of Rs.3,49,009/- vide Exh.42. Looking to the nature of injury as multiple fracture, treatment in private hospital and treatment period, it would be just and reasonable to award Rs.3,49,000/- as compensation to the claimant for the medical treatment expenses. In absence of proof regarding expenses on transportation, attendants and taking diets, it would be just and reasonable to award lumpsum **Rs.10,000/-** as compensation under the said heads.

(33) As per above discussion, the amount of compensation comes to **Rs.6,35,000/-** under various heads and the claimant is entitled to the following amount of compensation :

Description	**Amount**
Future loss of income (Rs.4000 X 35% X 12 months X 15 multiplier)	Rs. 2,52,000/-
For Pain, shock and suffering	Rs. 12,000/-
For Actual Loss of Income	Rs. 12,000/-
Medical Expenses	Rs. 3,49,000/-
Transport, Attendants and Special Diets expenses	Rs. 10,000/-
Total Compensation	**Rs. 6,35,000/-**

Liability :-

(34) Having minutely and cautiously analyzed and appreciated the evidence on record, as discussed and decided herein above, the accident took place because of negligence on the part of the opponent No.1. The claimant has produced a copy of Driving License of the opponent No.1 vide Exh.32 showing that, the opponent No.1 was licensed to drive Maruti Van being a LMV. On perusal of Certificate of Registration of vehicle (Exh.31), Maruti Van No.GJ-20 A-1264 was on the name of Seemaben Kahursingh Braman i.e. opponent No.2. The claimant has produced copy of Insurance Policy vide Exh.41 which reflects that vehicle Maruti Van No.GJ-20 A-1264 in the name of opponent No.2 was insured with the United India Insurance Co. Limited i.e. opponent No.3 for the period from 23.02.2011 to 22.02.2012 which covers the date of accident i.e. 19.10.2011. Therefore, the Insurance Policy of Maruti Van was in force on

the day of accident. The claimant herein was a pedestrian and third party for the offending Maruti Van No.GJ-20 A-1264. No breach is proved. Therefore, the opponent Nos.1, 2 and 3 are required to be held liable to pay compensation to the claimant.

(35) So far as the interest on awarded amount is concerned, it requires to be noted that the claim petition was filed on 21.03.2012 and dismissed for default by the then learned M. A. C. Tribunal (Main), Dahod vide order dtd.26.07.2021. Thereafter, the Hon’ble High Court has ordered restoration of claim petition and accordingly, the learned M. A. C. Tribunal (Main), Dahod vide order dtd.09.02.2026 has restored this claim petition to its original file. At this stage, looking to the order dtd.27.11.2025 passed by the Hon’ble High Court in R/Special Civil Application No.3050 of 2025, the Hon’ble High Court while restoring the present claim petition, has further ordered that, the original claimant shall not be entitled to claim interest for the period from the date of dismissal of claim petition till the claim petition gets restored, as agreed by the claimant. The learned Advocate for the claimant has relied upon the judgments of the Honourable Supreme Court as well as the Hon’ble High Court of Gujarat referred herein above during the discussion of arguments, on the point of rate of interest on compensation amount but in view of the specific order passed by the Hon’ble High Court in R/Special Civil Application No.3050 of 2025 and keeping in mind the principles enunciated by the Honourable Supreme Court in the case of **Abati Bezbaruah Vs. Dy. Director General, Geological Survey of India and Another**

reported in **(2003) 3 SCC 148** with the change of policy adopted by the Reserve Bank of India regarding rate of interest with effect from 01.04.2021, the claimant is entitled to the simple interest at the rate of 9% p.a. on the awarded amount from the date of filing of claim petition till 31.03.2021 and at the rate of 7% p.a. from 01.04.2021 till its realization excluding the period from 26.07.2021 to 09.02.2026.

(36) As a sequel to the above discussion, the points are answered accordingly and following order is passed in the interest of justice.

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

1. The claim petition is partly allowed against the opponents with costs and interest.

2. The Claimant do recover **Rs.6,35,000/- (Rupees Six Lakh and Thirty Five Thousand Only)** as compensation jointly and severally from the Opponents with proportionate costs and with interest thereon **@ 9% p.a.** from the date of filing of claim petition to dt.31.03.2021 and **@ 7% p.a.** from 01.04.2021 till realization of the compensation amount excluding the period from 26.07.2021 to 09.02.2026.

3. The Opponents are hereby directed to deposit the above amount of award, after deducting the amount of interim compensation, if any paid under the M. V. Act within one month from the date of this order.

4. On depositing of the above amount of award by the Opponents in this Tribunal, the deficit amount of Court Fee Stamp, if any, on the awarded amount be deducted first and out of the remaining amount, **70%** amount shall be invested in any of the nationalized bank of the choice of the claimant in fixed deposit receipt for a period of 5 years and remaining **30%** amount shall be paid to the claimant by way of directly crediting in his Bank Account with nationalized bank through NEFT or RTGS facility after due and proper verification.

5. The Claimant shall be entitled to get interest payable periodically from their respective Fixed Deposits. However, he will not be entitled to withdraw any amount from the investment in fixed deposit scheme before maturity or to raise any loan from the said investment, without prior permission of this Tribunal.

6. **(A)** In view of the direction of the Honourable Apex Court in the case of **M. R. Krishna Murthy Vs. The New India Assurance Company Limited & Others** in Civil Appeal Nos. 2476-2477 of 2019, in the case of **Tata A.I.G. General Insurance Co. Ltd. Vs. Union of India & Others** in Writ Petition (Civil) No.534 of 2020 and **in Suo Motu Writ Petition (Civil) No(s).7/2024** and as per the judgment of the Hon'ble High Court of Delhi in the case of **Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors**. in FAO 842/2003 & CM Appl.32859/2017, 41125-41127/2017, 35516-35517/ 2018, 46426/2018, the Claimant is directed to produce his bank account details

along with either a certificate of the Banker giving all details of his bank account including IFS Code or a copy of a canceled cheque of his bank account with nationalised bank or first page of his Bank Account Passbook which will compulsorily contain photograph of the Claimant/victim duly attested by the Bank concerned, within one week from the date of pronouncement of judgment.

(B) The Claimant is directed to keep on updating information regarding his Bank Account, email id if provided, in case there is any change, with the office of this Tribunal, till the realization of amount of compensation.

7. The Insurance Company and/or such other entities shall deposit the amount as directed in circular dated 19.01.2022 in Account Name : Motor Accident Claim Tribunal, Dahod Account No.40714029534, Ifs Code : SBIN0000368, MICR : 389002021 and on such deposits being made, the Insurance Company and/or such other entities shall submit a letter to the Registry of District Court, Dahod 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 :

PAYMENT ADVICE FOR REMITTANCE OF COMPENSATION

From : (Name of Bank)

To : (Name of Court)

We confirm remittance of compensation as follows on instructions of opponent Insurance Company.

1.	M.A.C.P.Number
2.	On the file of (Name of Claims Tribunal)
3.	Place
4.	Date of Award
5.	Amount Deposited

(A) The Insurance Company and/or 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 Claimant or his counsel as the case may be.

8. In view of the judgment delivered by the Division Bench of Hon'ble Gujarat High Court in the case of **United India Insurance Co. Ltd. Vs. Chief Commissioner of Income Tax (TDS)** in Special Civil Application No. 4800 of 2021, the interest awarded by the Motor Accident Claims Tribunal U/Sec. 171 of the Motor Vehicle Act, 1988 is not taxable under the Income Tax Act, 1961.

9. Award to be drawn accordingly.

10. PDF Copy of this Judgment and Award be sent to opponent Insurance Company through email.

11. This claim petition is hereby disposed of as per the direction of the Hon’ble High Court of Gujarat vide order dtd.27.11.2025 in **R/Special Civil Application No.3050 of 2025**.

Signed and pronounced in open Court on this 24th Day of June, 2026.

Dt.24.06.2026 (Harishchandrasinh Gulabsinh Vaghela)

Place : Dahod M. A. C. Tribunal (Main),

Dahod.

(Code No.GJ00590)

DSS, EA