



सत्यमेव जयते

M. A. C. PETITION NO.53/2024	
FILED ON	20-03-2024
REGISTERED ON	20-03-2024
DECIDED ON	18-03-2026
DURATION	DYS - MTS - YRS
	29 - 11 - 01

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL  
(AUXI) OF DAHOD, AT LIMKHEDA

MOTOR ACCIDENT CLAIM PETITION NO.53/2024

EXH.

BHALABHAI KESHAVLAL MAKWANA,  
AGED – 31 YEARS,  
OCCUPATION – SALAT WORK &  
AGRICULTURE WORK,  
RESIDENT OF BARIA FALIYU, PAHAD,  
TAL.LIMKHEDA, DIST.DAHOD.

....CLAIMANT

VERSUS

DRIVER, OWNER & INSURER OF MOTORCYCLE NO.GJ-20-BE-6200

1. **RAJUBHAI PRATAPBHAI TADVI,**  
AGED – ADULT,  
OCCUPATION – DRIVER,  
RESIDENT OF MAKWANA FALIYU,  
PAHAD, TAL.LIMKHEDA,

MACP NO.53/2024-J

DIST.DAHOD.

2. **BAKULBHAI MAGANBHAI DAYRA,**  
AGE – ADULT,  
OCCUPATION – OWNER,  
RESIDENT OF BARIYA FALIYU,  
PAHAD, TAL.LIMKHEDA,  
DIST.DAHOD.

3. **BAJAJ ALLIANZ GENERAL  
INSURANCE.**  
INSURER  
HAVING OFFICE AT 6, UMESH  
DARSHAN COMPLEX, DAHOD  
ROAD, GODHRA.

.....OPPONENTS

**SUBJECT :- PETITION FILED UNDER SECTION 166  
OF THE M. V. ACT (AMENDED), 1988 TO  
RECOVER RS.30,00,000/- AS  
COMPENSATION FROM THE OPPONENTS.**

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**MS. S.S.DADI**  
LEARNED ADVOCATE FOR CLAIMANT  
OPPONENT NOS.1 & 2 SERVED AND ABSENT

**MR.A.B.RAVAL**  
LEARNED ADVOCATE FOR OPPONENT NO.3  
(BAJAJ ALLIANZ GENERAL INSURANCE)

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

(1) The claimant has filed present claim petition for seeking compensation of **Rs.30,00,000/-** with interest at the rate of 15% p.a. from the opponents for the injuries sustained to him in a

vehicular accident occurred on **01.12.2023** at the time and place specified in the petition.

**SHORT FACTS OF THE ACCIDENT :-**

(2) The present claim petition emanates from the following facts :

(3) On 01-12-2023 claimant – **Bhalabhai Keshavlal Makwana** was going as pedestrian from his house and at about 13:30 hours, while he was passing from Pahad Village Bariya Faliya Road, at that time opponent No.1 came driving the Motorcycle No.GJ.20.BE.6200 in a very rash and negligent and careless manner and lost his control over the Motorcycle and though claimant was walking on the side of the road, opponent No.1 hit his motorcycle with the claimant, whereby accident occurred, in which claimant sustained severe injuries. Thus, the accident occurred due to the rash and negligent driving on the part of the driver of the Motorcycle. This accident was reported to **Randhikpur** police station vide Ist C.R.No.11821001230471/2023.

**SHORT FACTS OF THE CASE :-**

(4) It is the case of the claimant that, at the time of accident, he was doing labour work as well as agriculture work and earning Rs.20,000/- per month. At the time of accident, he was 31 years old and he was sound and healthy. Due to rash and

negligent driving of the driver of the offending vehicle, the accident occurred, wherein he sustained severe injuries including fracture, for which, he was initially treated at Government Hospital, Limkheda, there-after he was shifted to the Civil Hospital, Godhra for further treatment. There-after, he was shifted to the S.S.G.Hospital, Vadodara. He was remained indoor patient for a long time and he has also taken treatment as outdoor patient for a long time. He has incurred expenses towards his medical treatment, attendants, transportation etc. The claimant suffered pain, shock and agony. It is accordingly urged to award Rs.30,00,000/- as compensation for the accidental injuries from the opponents.

**OPPONENTS' DEFENCE :-**

(5) The opponents are duly served and opponent Nos.1 & 2 remained absent.

(6) Opponent No.3 – **Bajaj Allianz General Insurance Company Ltd.** filed appearance through the learned Advocate Mr.A.B.Raval vide Exh.08 and filed written statement vide Exh.11, wherein, the Insurance Company has resisted the claim petition and denied the averments, as made in the claim petition together with the negligence on the part of the driver of offending vehicle and the age, income of the claimant and other grounds of the claim petition. It is contended that opponent No.1 – driver of the motorcycel was not holding the valid and effective driving

licence at the time of accident and also not qualified for holding or obtaining such driving license. It is next contended that the claimed amount as well as interest thereon is alleged to be highly exaggerated. Lastly, it has been requested to dismiss the claim petition against the Insurance Company.

(7) To decide this claim petition, following issues have been framed at Exh.12.

### ISSUES

1. Whether it is proved that, the claimant sustained injuries on account of rashness or negligence in driving on the part of 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 ?

(8) My findings on the above issues are as under :

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

(9) The Opponent No.3 Reliance General Insurance Company preferred an application u/S.170 of the M. V. Act to defend the

Insurance company in absence of driver and owner of the offending vehicle and the same permission came to be granted vide order dated 17-01-2026 below Exh.15.

**-: REASONS :-**

(10) 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 vide Exh.14 and he has been cross-examined by the learned Advocate for the opponent Insurance Company. The claimant has further produced following documentary evidence in support of the claim petition :

<b>Sr. No.</b>	<b>Documentary Evidence</b>	<b>Exh./ Mark</b>
1.	Copy of the F.I.R. ;	18
2.	Copy of the panchnama of the spot ;	19
3.	Copy of the Discharge Card ;	20
4.	Copy of the driving licence ;	21
5.	Copy of the Form 23 of vehicle No.GJ20BE6200 ;	22
6.	Refer Note ;	25
7.	Discharge Card of S.S.G.Hospital ;	26
8.	Discharge Card of S.S.G.Hospital ;	27
9.	Discharge Card of S.S.G.Hospital ;	28
10.	Discharge Card of S.S.G.Hospital ;	29
11.	Out Patient Record ;	30
12.	Out Patient Record ;	31
13.	Medical Bills and Receipts of Rs.10,598/- ;	32

13.	Medicolegal Certificate ;	33
14.	MLC Certificate ;	34
15.	Charge-sheet ;	35
16.	Disability Certificate ;	37
17.	Copy of the insurance policy of vehicle No.GJ.20.BE.6200 ;	17/6

(11) The claimant has filed the closing puris vide Exh.38. The opponent Nos.1 & 2 remained absent at the time of recording evidence. The opponent No.3 Insurance Company has chosen not to lead any oral or documentary evidence against the claim petition.

(12) Heard argument of learned Advocate Mr.S.S.Dadi for the claimant and learned Advocate Mr.A.B.Raval of the opponent No.3 Insurance Company.

(13) Learned Advocate Mr.S.S.Dadi for the claimant has submitted in his arguments that, the accident took place due to sole rash and negligent driving of the driver of vehicle Motorcycle No.GJ.20.BE.6200 wherein claimant sustained injuries. The claimant was 31 years old at the time of accident and he was doing the labour work as well as agriculture work and earning Rs.20,000/- per month, which would have increased from time to time. He has permanent disability and has suffered severe pain and agony during treatment period. He has 100% functional disability. He had incurred expenses towards various heads.

Therefore, he is entitled to get the compensation as prayed for from the opponents. So far as the liability is concerned, it is submitted that the opponents are liable to pay compensation to the claimant. In support of his argument learned Advocate Mr.S.S.Dadi for the claimant has relied on the following judgment ;

(1)

**2010 CJ(SC) 1201**

Supreme Court of India

Raj Kumar Vs. Ajay Kumar and Anr.

(2)

**2015(0) AIJEL – SC 56230**

Supreme Court of India

Jakir Hussein

Vs.

Sabir

(14) Learned Advocate Mr.A.B.Raval for the opponent No.3 insurance company has submitted in his argument that the claimant has failed to prove his income and even, nature of injury with disability is also not proved. He has not produced any documentary evidence with regard to the expenses. It is submitted that driver of the offending vehicle motorcycle was not holding the driving licence to driver the offending vehicle motorcycle and therefore, it is the case of No DL, and as per the Amendment in M.V.Act no Pay and Recover order can be passed.

Hence, opponent No.3 Insurance Company is required to be exonerated from the liability to pay compensation.

(15) It is well settled that in case of motor accident claims, an endeavor is made to put the claimants in the pre-accidental position. The damages to be awarded are to be adequate in terms of money, so that, the injured / petitioners / claimants are put in the same position, had they not suffered the loss on account of wrong of the opponent, though no amount of compensation can restore the loss of limb or experience of pain or loss of life.

#### ISSUE NO.1 – NEGLIGENCE

(16) While deciding the issue of negligence, certain legal provisions with regard to M. A. C. P. claims are required to be taken note of. The Honourable Apex Court in 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** has held that while deciding the point of negligence, it has to be borne in mind that negligence is required to be proved in claim petition u/s. 166 of the Act only on the touchstone of the preponderance of probability and not beyond doubt.

(17) To prove the issue of negligence, claimant has filed his affidavit in the form of chief-examination vide Exh.14 and stated on oath that on 01-12-2023 he was going as pedestrian from his house and at about 13:30 hours, while he was passing from Pahad

Village Bariya Faliya Road, at that time opponent No.1 came driving the Motorcycle No.GJ.20.BE.6200 in a very rash and negligent and careless manner and lost his control over the Motorcycle and though claimant was walking on the side of the road, opponent No.1 hit his motorcycle with the claimant, whereby accident occurred, in which claimant sustained severe injuries. Thus, the accident occurred due to the rash and negligent driving on the part of the driver of the Motorcycle. This accident was reported to Randhikpur police station vide Ist C.R.No.11821001230471/2023.

(18) In cross-examination, he has admitted that, he has not produced any documentary evidence to show his occupation and income. He has also admitted that at the time of accident he knew the Rajubhai Tadvi. He has also admitted that he has took treatment first at Government Hospital, Limkheda and thereafter, Civil Hospital, Godhra and also took treatment at S.S.G.Hospital, Vadodara. He has took treatment as indoor patient for three months. Except these questions all these questions denied by the claimant in his cross-examination.

(19) On perusal of **F.I.R. (Exh.18)**, lodged on 25.12.2023 by Ashwinbhai Keshavbhai Makwana, it reveals that on 01.12.2023 at about 01:20 hours in the noon younger brother of the complainant, Bhalabhai Keshavbhai Vankar was suffering from fever and therefore they both decided to go to Hospital at Bandibar and complainant told the Bhalabhai to go ahead and he

is coming back. There-after, complainant went to little ahead from his house and shown that his brother Bhalabhai lying on the ground and sustained the injuries and complainant asked about it and Bhalabhai told him that one motorcycle driver came driving his motorcycle rash and negligent manner and suddenly dog came in front of the motorcycle and therefore, driver of the motorcycle lost his control over the vehicle and hit his motorcycle with the Bhalabhai and motorcycle driver fled away by leaving motorcycle on the spot and people gathered there and owner of the motorcycle Bakulbhai Maganbhai Dayra standing with the motorcycle on the spot and as per his mobile message motorcycle number is GJ.20.BE.6200. Looking to the **Panchnama (Exh.19)** shows the place of incident as Vanzariya Village to Pahad Bariya Faliyu Road. No significant marks on the spot. Nothign has been recovered from the spot **Charge-sheet (Exh.35)** has been filed against opponent Opponent No.1 driver of the Motorcycle . The accidental injuries of the claimant are substantiated by the Medical Certificate (**Exh.33**) and Disability Certificate (**Exh.37**).

(20) From the oral evidence coupled with the documentary evidence produced on record, the claimant has successfully established that the accident occurred because of rash and negligent driving on the part of the driver of the Motorcycle No. GJ.20.BE.6200 and he sustained injuries in this accident. Hence, I reply to the Issue No.1 in the affirmative accordingly.

**ISSUE NO.2 - COMPENSATION**

(21) To decide the just compensation the important factor is the income of the injured or deceased. It is incumbent upon the claimant to prove his actual income. The claimant is required to lead cogent evidence to establish his actual income. The claimant has to produce reliable material before the Tribunal upon which the tribunal can rely and assess his income.

(22) Claimant has further stated on oath that, in this accident, he sustained the injuries including the fracture injuries, for which, he was initially treated at Government Hospital, Limkheda, there-after he was referred to the Civil Hospital, Godhra. He has taken further treatment at S.S.G.Hospital, Vadodara. He was remained indoor patient for the long time. He has also taken treatment as outdoor patient for long time. According to the claimant, he incurred huge expenses on various heads. He has further stated on oath that, due to injuries, he suffered severe pain, shock and agony, and he sustained permanent disability, hence, he is facing difficulty in his work and his working strength is lower down, whereby his future income is also reduced due to the disability, for all these reasons, he will have to suffer economic loss in future.

(23) Learned Advocate for the claimant has contended that looking to the injuries sustained to the claimant and he has undergone for various operation and he has requested to consider 100% functional disability. He has relied on the judgment Jakir

Hussein Vs. Sabir (Supra) and Raj Kumar Vs. Ajay Kumar and Anr. (Supra).

(24) Looking to the judgment of Raj Kumar Vs. Ajay Kumar and Anr. it appears that the facts of the case on hand is quite different. Another judgment 2015(0) AIJEI – SC 56220 (Supra). In this case injured is the driver and earlier claimant has relied on the disability certificate issued by the government authority and in which disability of the claimant assessed 45% body as a whole and therefore, he cannot demanded the 100% functional disability and it is not acceptable.

(25) The claimant has relied on M.L.C.Certificate (**Exh.33 & 34**) along with other medical papers including the discharge summary, issued by Medical Officers, wherein, injuries noted. The claimant has further relied on the Disability Certificate (**Exh.37**) of Dr.Kerul Ninama at Zydus Medical College and Hospital, wherein, the same injuries have been noted and after examination, this Medical Expert has assessed partial permanent disability of the claimant at 45% body as a whole. It appears from the disability certificate that it is issued by the government authority and also bears the Signature and Seal of the I/c. Chief District Medical Officer Cum Civil Surgeon, General Hospital, Dahod (Gujarat). Therefore, there is no reason to disbelieve this document. Therefore, the permanent disability of claimant is taken as 45% for body as a whole to calculate the amount of compensation under the head of future economic loss.

(26) Claimant has shown his age as 31 years in claim petition, filed in year 2024. No Birth Certificate or School Leaving Certificate of the claimant is produced on record. It appears from the medical papers i.e. MLC Certificate, Refer Memo of Godhra Civil Hospital, the age of claimant shown as 31 year old. There is no contrary evidence on record about the age of the claimant, and therefore the age of the claimant is taken as 31 years for the purpose of deciding multiplier here in this case.

(27) So far as the income of injured person is concerned, it is admitted fact that, no income proof is produced on record. There is nothing on record regarding his study or skill. In absence of exact proof for the income of claimant, this Court has to follow the guidelines of the Hon'ble Supreme Court, given in many cases relying upon the rates based on Government Approved minimum wages for industrial labourer. Here in this case, the **accident occurred on 01-12-2023** and as per the minimum wages rate, as declared by the Government, during the period of **01.10.2023 to 31.03.2024**, for unskilled person, it was Rs.13,860/-, therefore income of the claimant considered as Rs.13,860/- a month Now, considering 45% disability for body as a whole and **multiplier** of **16** for the age group 31 to 35 as per **Sarla Varma's** Case, the future loss of income will be as follows and it is awarded to the claimant.

**Loss of Future Income** = Rs.13,860/- (monthly prospective income) x 45% disability x 12 months X 16

(multiplier applicable) = **Rs.11,97,504/-**, which is to be granted under the head of future economic loss.

(28) As per medical evidence on record, the claimant has sustain fracture injury and he was remained indoor pateint for a long time. He was also taken treatment as outdoor patient for a long time. The Disability Certificate reads that, he has sustained permanent partial disability extent to 45%. Looking to these facts, more particularly, the nature of injury, this Tribunal is of the opinion to award **Rs.20,000/-** as compensation towards **pain, shock and suffering**.

(29) The claimant has produced medical bills and receipts collectively vide Exh.32 of Rs.10,598/- to show the expenses for the treatment, he has taken. Considering the nature of injury, treatment, the claimant is entitled to get an amount of **Rs.10,598/-** under the head of **Medical Treatment Expenses**.

(30) So far as the expenses incurred towards transportation are concerned, the claimant was treated at Dahod, Godhra and Vadodara. He is resident of Taluka Limkheda, Dist.Dahod itself. He has neither produced any transport bill nor any specific evidence for the expenses towards special diets and attendants. But, looking to the nature of injury, period of treatment as indoor patient as well as outdoor patient after discharge from the hospital, the claimant might have spent expenses towards such heads. In absence of any document, it would be just and

reasonable to award **Rs.20,000/-** under the head of expenses on **transportation**, taking **special diets and attendants**.

(31) He has stated that, due to accidental injuries, he could not work for his livelihood for 12 months and he has lost his income. Claimant admitted remained indoor patient for a long time. Therefore, considering the opinion of the medical expert together with the nature of injury, this Tribunal is of the opinion to consider at-least two months for actual loss of income during which, the claimant could not have worked for his livelihood and lost his income and it comes to **Rs.13,860/- x 2 = 27,720/-** and it is awarded to the applicant under the head of **actual loss of income**.

(32) The amount of compensation here in this claim petition comes as follows :

Rs.	11,97,504/-	Future Loss of Income.
Rs.	20,000/-	Pain, Shock and Suffering.
Rs.	10,598/-	Medical Treatment Expenses.
Rs.	20,000/-	Transportation, Attendants & Diets.
Rs.	27,720/-	Actual Loss of Income.
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<b>Rs.</b>	<b>12,75,822/-</b>	<b>Total</b>

#### **LIABILITY TO SATISFY THE AWARD**

(33) Here in this case, as discussed and decided above, the driver of the Motorcycle No.GJ-20-BE-6200 was liable for rash

and negligent driving his vehicle and thereby, liable for occurrence of accident. The Driving License (Exh.21) shows that, the opponent No.1 was licensed to drive Transport Vehicle and Light Motor Vehicle. It is argued by the learned Advocate for the opponent No.3 insurance company that at the time of accident driver of the Motorcycle – opponent No.1 was holding the driving licence to drive transport vehicle as well as Light Motor Vehicle, but opponent No.1 was not holding the valid and effective driving licence to drive the motorcycle. Therefore, insurance company is not liable to indemnify the owner qua the accident.

(34) It is required to refer the judgment of the Hon'ble Gujarat High Court delivered in **R/FIRST APPEAL NO.870 OF 2025 – Reliance General Insurance Co. Ltd. Vs. Hiraben Bhalabhai Malivad & Ors.** Hon'ble Gujarat High Court held in paragraph no. 7 as below ;

To prove the fact, the Insurance Company examined its Legal Officer, whose evidence is recorded below Exh.35, and produced a copy of the charge-sheet filed under Sections 3 and 181 of the Motor Vehicles Act to show that, on the date of the accident, the driver was not holding a valid and effective licence. However, apart from this, no other evidence has been produced on record. The driver of the offending vehicle has not denied the occurrence of the accident, nor has he stepped into the witness box. He has also not challenged the evidence led by the claimant. The claimant has tendered her evidence below Exh.17, and the Insurance Company did not put any questions to her or challenge her testimony in cross-examination. The Insurance Company has produced only the status report of the criminal proceedings pending before the J.M.F.C. Court, Varahi, but has not produced the judgment. It is well settled that merely filing a charge-sheet

or relying on the allegations contained in it does not constitute conclusive proof. **(Para-7)**

(35) But, here-in-this case no Legal Officer examined and in the case on hand. Moreover, it appears from the charge-sheet that opponent No.1 has not charged with Section - 3, 181 of the M.V.Act. Therefore, as per the judgment of Honourable Supreme Court in **National Insurance Company Limited Vs. Swaran Singh & others** reported in **2004 ACJ 1**, which is full bench judgment of the Honourable Supreme Court, it is held that the insurance companies are, however, with a view to avoid their liability must not only establish the available defence(s) raised in the said proceedings but must also establish 'breach' on the part of the owner of the vehicle; the burden of proof wherefore would be on them.

(36) In the case on hand insurance company fails to prove defence taken by them and therefore, insurance company cannot be absolved from its liability.

(37) As far as the ownership of offending vehicle is concerned, it reveals from the extract of Certificate of Registration (**Exh.22**) that, Bakulbhai Maganbhai Dayra, the opponent No.2 became the owner of vehicle No.GJ-20-BE-6200 w.e.f. 20-09-2023 and there-after, the accident occurred on 01-12-2023. Hence, the opponent No.2 was the owner on the day of incident.

(38) On perusal of Insurance Policy (**Exh.17/6**), it reveals that, vehicle No.GJ-20 BE-6200 in the name of opponent No.2 was

insured with the Bajaj Allianz General Insurance Co. Ltd. for the period from 19-09-2023 to 18-09-2028 which covers the date of accident i.e. dt.01.12.2023, meaning thereby that the insurance policy of offending vehicle was in force on the day of accident. Therefore, the opponents Nos.1, 2 & 3, being the driver-owner and insurer of offending vehicles No. GJ-20 BE-6200 is held liable to pay compensation.

### **INTEREST**

(39) So far as the interest on awarded amount is concerned, having regards to the facts and circumstances of the case, by keeping in mind the principles enunciated by the Honourable High Court in the **First Appeal No.1564 of 2020** in case of **Reliance General Insurance Co. Ltd. Vs. Mangalsinh Gulabsinh Bariya and Anr.** and change of policy adopted by the Reserve Bank of India with regard to rate of interest with effect from 01.04.2021, it would be just and proper to award the simple interest at 7% from filing of the claim petitions till payment of awarded amount.

### **ISSUE NO.3**

(40) In view of the above discussion, the opponents Nos.1, 2 & 3, being the driver, owner & insurer of offending vehicle Motorcycle No.GJ-20-BE-6200 is held liable to pay compensation, as determined above to the claimant along with

interest at the rate of 7% per annum. I therefore the reply of Issue No.3 is concerned, following order is passed.

**-: ORDER :-**

1. The claim petition is partly allowed.
2. The claimant do recover an amount of **Rs.12,75,822/- (Rupees Twelve Lakh Seventy Five Thousand Eight Hundred Twenty Two Only)** as compensation with interest @ 7% per annum from the date of filing the petition till realization of awarded amount along with proportionate costs from the opponents.
3. The opponents are liable to pay compensation to the claimant as ordered above and they are directed to deposit the amount of compensation in the office of this Tribunal within 30 days.
4. N.F.L. amount, if any paid, be deducted from the awarded amount.
5. On realization of the above said amount, deficit court fees, if any, shall be recovered.
6. Out of the amount going to the share of claimant, 30% amount along with interest etc. shall be paid to the claimant by crossed Account Payee Cheque and/or by NEFT or RTGS facility and rest of the 70% amount along with the interest etc., going to the share of claimant, shall be placed in Fixed Deposit with any Nationalized Bank for

a period of 5 years in his name with liberty to the claimant to withdraw interest monthly or periodically, as the case may be. The Bank shall not permit any loan or advances or to create any encumbrance against the said F.D. receipt without the prior permission of this Tribunal.

7. The claimant is directed to submit the following details before Nazir of this Court within one week from today:-
  1. **Name of the claimant with address.**
  2. **Name of the Bank & Branch, Bank IFSC Code, Account Account Number of the claimant.**
  3. **The first page of the bank pass-book, which will compulsorily contain the photograph of the claimant, duly attested by the Bank concerned, should be made available.**
  4. **The claimant is directed to furnish information if any change made in the above information afterwards, immediately.**
8. The opponents are also directed to scrupulously follow the direction given by the Hon'ble High Court in the case of Smt. Hansaguri Prafulchandra Ladhani & Ors. vs. The Oriental Insurance Co. Ltd. reported in **2007(2) G.L.H. Page 291** with regard to computation of interest by spreading the amount over the relevant year from the date of claim petition till the date of deposit and deduction of Tax at Source on the amount of interest.

9. The opponents do bear their own costs and to pay the cost to the claimant.
10. Award be drawn in terms of this judgment.
11. PDF Copy of this Judgment and Award be sent to opponent No.3 insurance company through email.

Pronounced in the open Court, today on this 18<sup>th</sup> Day of **March, 2026.**

Dt.18/03/2026  
Place : Limkheda

**[Hareshkumar Himmatlal Thakkar]**  
**MOTOR ACCIDENT CLAIMS TRIBUNAL**  
**CLAIMS (AUX), Dahod at Limkheda**  
**[Code No.GJ 00533]**