

**ORIGINAL AWARD**

**Original Decree  
O-20, R-6-7  
(Form No.1, Schedule-1)**

**IN THE COURT OF MOTOR ACCIDENT CLAIM TRIBUNAL [AUX-III]  
AT- GANDHINAGAR.**

**MOTOR ACCIDENT CLAIM PETITION NO.315 OF 2017  
**Exhibit - 58****

Legal heirs of Ramanbhai Kalabhai Chaudhari,

1. Chaudhari Bhupendrakumar Ramanbhai,  
Age : 39 years, Occupation : Farming,
2. Chaudhari Ashokbhai Ramanbhai,  
Age : 42 years, Occupation : Service,
3. Chaudhari Vijiben Ramanbhai,  
Age : 30, Occupation : Housework,

**...Petitioners**

Vs.

1. Chavda Jaydipsinh Ramansinh,  
Age : 32, Occupation : Driving,  
Residing at Madhma, Post : Varsoda,  
Taluka : Mansa, District : Gandhinagar.  
(Owner and Driver of Maruti Suzuki Car  
Eco bearing No.GJ-18-BC-7036)
2. The Tata AIG General Insurance Company Ltd.,  
(Insurance Company of Maruti Suzuki Car  
Eco bearing No.GJ-18-BC-7036)  
Central 2-B, Second Floor, Turkish, Panchvati Crossing,  
S.G. Road, Ellisbridge, Ahmedabad - 380006.

**...Opponents**

-----  
Learned Advocate A. V. Thakor for Petitioners.  
Learned Advocate K. R. Raol for Opponent no.1.  
Learned Advocate Y. N. Shah for Opponent no.2.  
-----

**Subject : Claim petition under Section 166 of Motor Vehicle Act, to get  
compensation of Rs.40,00,000/-.**  
-----

The brief facts of the petition, are as under :-

1. It is the case of the applicants that on 31.03.2011 at about 11:15 AM, the deceased was proceeding on his motorcycle bearing no.GJ-18-CG-1660, while following traffic rules, on the road from Balva to Manekpur. At that time, a Maruti Suzuki Eco car bearing no.GJ-18-BC-7036 came from the right side of the road near Mubarakpur Patiya. The said vehicle was being driven by opponent No.1 in a very rash and negligent manner so as to endangering human life, and dashed the motorcycle driven by deceased. As a result, deceased sustained grievous injuries on vital part of body. The local people called ambulance 108 and deceased was taken to Civil Hospital, Gandhinagar, however he succumbed to the injuries and was declared dead by the attending medical officer. Thereafter, complaint regarding the accident was filed before Kalol Taluka Police Station vide Ist-C.R.No.53/2017 and chargesheet is filed vide C.C. No.756/2017.
2. It is stated that deceased was 70 years old at the time of the accident. The petitioners were supported by the income of the deceased. At the time of accident deceased was very fit and fine, he was doing farming work and by selling agricultural produce he was earning Rs.5,00,000/- per year, additionally he was also into animal husbandry from which he was earning Rs.1,00,000/- per year thereby his annual income was Rs.6,00,000/-. Thus, with the aforesaid contentions, this claim petition has been filed.

This Claim Petition coming on this day for final disposal before hon'ble P.M.UNADKAT, M.A.C.Tribunal [III], Gandhinagar in presence of Mr. A. V. Thakor for applicant, K. R. Raol appeared for the Opponent No.1, Y. N. Shah appeared for the Opponent No.2 . It is hereby ordered awarded that :

**-: ORDER :-**

1. This claim petition is hereby partly allowed.
2. The applicants / petitioners of respective claim petition do recover the awarded amount of Rs.4,01,500/- from opponents with proportionate costs and with simple interest at the rate of 9% per annum from the date of the application till realization from the opponent.
3. The opponents are directed to deposit the awarded amount with cost and interest as per the directions given by Hon'ble the Apex Court in Writ Petition (C) No.534 of 2020 in the case of ***Bajaj Allianz General Insurance Company Ltd. V/s. Union of India and Ors.***
4. The opponents are hereby ordered and directed, by this Tribunal, to deposit the said amount within one month from the date of this award.
5. The amount of interim compensation, if any, paid to the claimants, shall be adjusted towards this final award.
6. On deposition of the amount of compensation in the office of this Tribunal, the office shall first recover the amount of court fees, if any, due from the claimants and from remaining amount 70% of compensation amount shall be invested in any of the nationalized bank of the choice of the claimants in fixed deposit receipt for a period of 5 years and remaining 30% amount shall be paid to the claimants by account payee cheque in their name, after due verification.
7. The claimants will be entitled to get interest payable periodically from the said investment. However, they will not be entitled to withdraw any amount before maturity or raise any loan from the said investment, without prior permission of this Tribunal.

Place: Gandhinagar  
Date : 22.04.2026

SD/-  
**[ Piyush Mahendrabhai Unadkat ]**  
M.A.C.Tribunal (Aux.III)  
Gandhinagar (GJ00716)

**IN THE COURT OF THE MOTOR ACCIDENT CLAIM TRIBUNAL (III)**  
**AT - GANDHINAGAR**  
**COSTS OF APPLICATION**

Cost of Applicant				Cost of Opponent			
No.		Rs.	Ps.	No.		Rs.	Ps.
1	Stamp for Claim	<b>6315</b>	00	1	Stamp for counter claim	00	00
2	Stamp for power	<b>03</b>	00	2	Stamp for power	<b>03</b>	00
3	Stamp for exhibits	0	00	3	Stamp for exhibits	00	00
4	Subsistence for witnesses	00	00	4	Subsistence for witnesses	00	00
5	Pleaders fee	<b>3983</b>	00	5	Pleaders fee	<b>3983</b>	00
6	Service of Process	<b>0</b>	00	6	Service of Process	00	00
7	Commissioner Fee	00	00	7	Commissioner Fee	00	00
8	Translation fee	00	00	8	Translation fee	00	00
9	Cost Copying fee	00	00	9	Cost Copying fee	00	00
10	on adjournment	00	00	10	on adjournment	00	00
11	Stamp for application for adding inheritor	00	00				
<b>TOTAL :-</b>		<b>10301</b>	00	<b>TOTAL :-</b>		<b>3986</b>	00
Costs not transmitted		00	00	Costs not transmitted		00	00
Pleader's fee on claim		00	00	Pleader's Fee of counter claim		00	00
Process Fee		00	00	Process Fee		00	00
Stamp for exhibits		00	00	Stamp for exhibits		00	00
<b>Remaining</b>		00	00	<b>Remaining</b>		00	00

**Note : Rs.6315/- Court fee stamp should be recovered from Applicant.**  
GIVEN under my hand and the seal of this Tribunal, on this 22th day of April, 2025.

Drawn by  
( G.B.HADIYAL )  
ASS.

Compared by  
( M.G.MALVI )  
SUPT.

**[Mr. P.M.UNADKAT]**  
**M.A.C.T. (AUXIII)**  
**GANDHINAGAR**