

AWARD

IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN),
JAMNAGAR.

EXH. -68

Petitioners :-**Legal Heirs of deceased Rehan**

1. Amriben Rehanbhai Odiya,
Age about 28 years, Occupation : Homemaker,
2. Alizaben Rehanbhai Odiya,
Age about 9 years, Occupation : Study,
- [Petitioner No.1as Guardian of Petitioner No.2].**
3. Hasinaben Hajibhai Odiya,
Age about 65 years, Occupation : Homemaker,
4. Hajibhai Musabhai Odiya,
Age about 68 years, Occupation : Retired,
All are resident of Landhawad's slop,
Near City Hospital, Jamnagar.

V E R S U S

Opponents :-**Owner and Insurance Company of Car No.GJ-10-BG-7786**

1. Dipak Mavjibhai Dhameliya,
Resident of Panchwati Society,
Street No.1, Dhrol, District- Jamnagar.
2. The Royal Sundaram General Insurance Co.Ltd.,
Office at Chandan House, 4th Floor,
Opposite Pantaloom, Mithakhali,
Six Rasta, Ahmedabad.

Owner and Insurance Company of Hero Honda Motorcycle No.GJ-10-CH-0041 ...

3. Afzal Husen Ahemadbhai Laiyaji,
Resident near Nani- hospital,
Near Ratanbai Masjid,
Arabfali, Ranjit Road,
Jamnagar.
4. The National Insurance Co. Ltd., **[Deleted]**
Office at City Arcade,
Near Tin Batti, Jamnagar.

[Deleted as per order passed below Exh.31]

Subject: - Petition to claim compensation of Rs.10,00,000/- under section 166 of Motor Vehicle Act, 1988.

Appearance:-

Mr.Z.M.Koreja, Learned Advocate for Petitioners.

Mr.G.D.Pandya, Learned advocate for Opponent No.1.

Mr.J.D.Chaudhary, Learned Advocate for Opponent No.2.

Mr.H.D.Sonagara, Learned advocate for Opponent No.3.

Mr.M.J.Parekh, Learned advocate for Opponent No.4.

Petition Registered on : Dt. 23/12/2016

Petition Decided on : Dt. 22/04/2026

Since both the Petitions arise out the same accident and since the facts involved in the Petitions were identical and common, both the Petitions were ordered to stand consolidated and evidence has been recorded in MACP No.27 of 2017. In these circumstances, both the Petitions are being disposed of by this common Judgment.

Present claim petitions have been filed by the Petitioners under section 166 of Motor Vehicle Act,1988 seeking compensation of Rs.10,00,000/- for ultimate death of deceased Rehan and of Rs.2,00,000/- for injuries received by Petitioner Moinbhai in road side vehicular accident.

FINAL = ORDER

MACP NO.27 of 2017 :-

- 1- Present Claim Petition is hereby **partly allowed**.
- 2- Petitioner Nos.2,3 and 4 are held entitled for the compensation of **Rs.7,03,200/- (Rupees Seven Lakh Three Thousand Two Hundred only)** along-with proportionate costs and simple interest at the rate of 9% per annum from the date of petition till its realization to be paid by Opponent Nos.1 and 2 jointly and severally. **Claim of Petitioner No.1 is hereby dismissed.**
- 3- **Opponent No.3 and 4 are hereby exonerated from liability to pay compensation to Petitioners.**
- 4- It is further directed that compensation amount shall be deposited directly into the bank account maintained by this Tribunal (detail given below) by RTGS or NEFT mode within one month. On such deposits being made,

depositor shall submit a letter to the registry of this Tribunal enclosing copy of bank advice in prescribing form, as per which the deposit was made to the bank account of this Tribunal. Depositor shall also send a copy of payment advice to this Tribunal and shall serve a copy of the same on the claimant/s or their counsel as the case may be.

Name of Bank	Bank of Baroda, Lal Bungalow Branch, Jamnagar.
Account No.	58090100006648
Account Name	M/S. MOTOR ACCIDENT CLAIM TRIBUNAL
IFSC Code	BARB0LALJAM (Fifth Character from the beginning is zero)
MICR Code	361012008

5- It is further directed that after depositing the compensation amount, depositor shall communicate the factum of the deposit forthwith/expeditiously to this Tribunal with a copy to the beneficiaries.

6- It is further directed that depositor shall comply the directions given by Hon'ble Supreme Court in Bajaj Alliance General Insurance Co. Vs. Union of India, Writ Petition (s) (Civil) No. 534 of 2020 as well as directions given by Hon'ble High Court of Madras in Civil Misc. Appeal No.428 of 2016 decided on 11th March, 2016 titled as Divisional Manager, The Oriental Insurance Co. Ltd. Vs. Rajesh & Ors.

7- If compensation has been awarded and paid under section 140 of Motor Vehicle Act, than such amount of compensation shall be reduced from the amount of compensation awarded by this order.

8- On depositing the aforesaid amount of compensation, deficit Court fees, if any, be deducted there from and thereafter, from the remaining amount, **40%** shall be paid to the Petitioners by direct transfer to the credit of the bank account of the petitioners (detail given below) by NEFT or RTGS after

proper verification and thereafter, remaining **60%** of the compensation amount shall be deposited in the name of petitioners respectively in a Nationalized Bank or in any Government Security of the choice of Petitioner for a period of Five years keeping nomination clause with a condition that no loan or advance would be admissible, but the applicant would be entitled to get periodical interest that may accrue on the said F.D.R as per rules.

9- Petitioner No.2 is entitled to get **70%**, whereas Petitioner Nos.2 and 3 are entitled to get **15% each** of the awarded amount.

10- Petitioner No.2, that is, **Alizaben Rehan Odiya** is minor as such on depositing the amount of compensation, the amount fallen to the share of Petitioner No.2 shall be deposited in the name of minor Petitioner No.2 in any Nationalized Bank or in any Government Security as per the choice of guardian of minor petitioner appointed by this order, for a period of Five years or till the attaining of majority by Petitioner No.2 which period is later, keeping nomination clause with a condition that no loan or advance would be admissible, but the Petitioner would be entitled to get periodical interest that may accrue on the said F.D.R as per rules. **Petitioner No.4 namely Hajibhai Musabhai Odiya (Grand-father of minor Petitioner No.2)** is hereby appointed as Guardian of the minor with liberty to withdraw periodical interest accrued thereon.

10- The Opponents shall pay costs of the Petitioners and all the Opponents shall bear their own costs.

11- The Petitioners are directed to furnish their bank particulars i.e. bank account number and branch, IFSC code of concerned Bank and copy of PAN Card before the Registry and thereafter, Registry is directed to make disbursement of the amount of compensation accordingly.

- 12- The Original Judgment be placed in **Claim Petition No.27 of 2017** and its True Copy be kept in **Claim Petition No.108 of 2017** accordingly.

Costs of Petition

<u>Particulars of Costs</u>	Costs of Appl. In Rs.	Costs of Opp. No.1 In Rs.	Costs of Opp. No.2 In Rs.	Costs of Opp. No.3 In Rs.
1. Court fee paid by applicant	0	0	0	0
2. Stamp for power	0	0	0	0
3. Stamp for exhibits	0	0	0	0
4. Pleader's fee.	5,491	6,975	6,975	6,975
5. Subsistence for witnesses	0	0	0	0
6. Process Fee	0	0	0	0
7. Commissioner's fee	0	0	0	0
8. Court fee req. to pay by applicants	9,400	0	0	0
Total	14,891	6,975	6,975	6,975

Note : The Judgment is pronounced on 22th April, 2026.

Prepared by Checked by

Suptd. Dy. Registrar

(N.R. Joshi)

Judge Code - GJ 01318

**MACT(Main) & Principal District Judge
Jamnagar**