

AWARD

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

EXH. -52

Petitioner :-

1. Moinbhai Ahemadbhai Arab,
Age 20, Occupation : Labour,
Resident of Landhawad's slop,
Arabfali, 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.,
Office at City Arcade,
Near Tin Batti, Jamnagar.

Subject: - Petition to claim compensation of Rs.2,00,000/- 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.

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Petition Registered on : Dt. 13/04/2017

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.108 OF 2017 :-

- 1- Present Claim Petition is hereby **partly allowed**.
- 2- Petitioner is held entitled for compensation of **Rs.1,16,760/- (Rupees One Lakh Sixteen Thousand Seven Hundred Sixty Only)** alongwith 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.
- 3- Opponent No.3 is hereby exonerated from liability to pay compensation to Petitioner.
- 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. And copy of payment advice be kept by Nazir, District Court Jamnagar and Insurance Company shall serve a copy of the same on the claimant/s or their Advocate as the case may be.

Name of Bank	Bank of Baroda, Lal Bungalow Branch, Jamnagar.
A/c. Number	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 Insurance Company 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.
- 6- If compensation has been awarded and paid under section 140 of Motor Vehicle Act, than such amount of compensation shall be reduced from amount of compensation awarded by this order.
- 7- 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 by NEFT or RTGS after proper verification and thereafter, remaining **60%** of the compensation amount shall be deposited in the name of petitioners in a Nationalized Bank or in any Government Security of the choice of Petitioners for a period of Five years keeping nomination clause with a condition that no loan or advance would be admissible, but the Petitioners would be entitled to get periodical interest that may accrue on the said F.D.R as per rules.
- 8- The Petitioner is directed to furnish his 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.

- 9- The Opponents shall pay costs of the Petitioner and shall bear their own costs.
- 10- 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

Particulars of Costs	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.	Costs of Opp. No.4 In Rs.
1. Court fee paid by applicant	0	0	0	0	0
2. Stamp for power	0	0	0	0	0
3. Stamp for exhibits	0	0	0	0	0
4. Pleader's fee.	2,559	2,975	2,975	2,975	2,975
5. Subsistence for witnesses	0	0	0	0	0
6. Process Fee	0	0	0	0	0
7. Commissioner's fee	0	0	0	0	0
8. Court fee req. to pay by applicants	3,500	0	0	0	0
Total	6,059	2,975	2,975	2,975	2,975

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