

**AWARD**

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

EXH. - 50

**Petitioners :-****Legal Heirs of deceased Dawood Abdulkarim Kash (Memon)**

1. Farida Dawood Kash (Memon),  
Age about 55, Occupation : Homemaker,
2. Sakina Dawood Kash (Memon),  
Age about 19, Occupation : Study,  
Both are residing at Modiwad,  
Saifi Slop, Kalawad Naka,  
Near Darbargadh, Jamnagar.

**V E R S U S****Opponents :-****Owner and Insurance Company of Bus No.RJ-27-PA-2079**

1. Sampatlal Mithalal Jain,  
Age : Adult, Occupation : Business,  
Residing at Tarakunj,  
Adinathnagar, Fatehpura, Udepur,  
Rajasthan.
2. The United India Insurance Co.Ltd.,  
Pandit Nehru Marg,  
Near Ambar Talkies, Jamnagar.

**Subject: -** Petition to claim compensation of Rs.15,00,000/- under section 166 of Motor Vehicle Act, 1988.

**Appearance:-**

Mr. P.V.Anadkat, Learned Advocate for the Petitioners.

Opponent No.1 remained absent.

Mr.B.C.Chotai, Learned Advocate for the Opponent No.2.

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**Petition Registered on : Dt. 07/10/2020**

**Petition Decided on : Dt. 30/04/2026**

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The Petitioners being heirs and legal representatives of the deceased **Dawood Abdulkarim Kash (Memon)** have preferred present claim under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs.15,00,000/- with 12% interest and costs, jointly and/or severally from the opponents on account of death of deceased due to injuries sustained by him in

an accident that took place on 22/03/2020 at the time and place specified in Petition involving the vehicle being Bus No.RJ-27-PA-2079. On 029/02/2012, the deceased was traveling as a passenger in a bus bearing registration number RJ-27-PA-2079, enroute from Ajmer to Ahmedabad. Upon reaching the vicinity of Beawar, the said Bus collided with Trailer No.HR-56-M-0011. The accident was a result of rash and negligent driving on the part of Bus driver as he was driving the bus at excessive speed. Consequently, the deceased sustained fatal grievous injuries and expired instantaneously at the site of the accident.

**FINAL = ORDER**

- 1- Present Claim Petition is hereby **partly allowed**.
- 2- Petitioners are held entitled for compensation of **Rs.3,03,600/- (Rupees Three Lakh Three Thousand Six Hundred 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- 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

4- 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 11<sup>th</sup> March, 2016 titled as Divisional Manager, The Oriental Insurance Co. Ltd. Vs. Rajesh & Ors.

5- 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.

6- 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.

7- Petitioner No.1 is entitled to get **70%** of the awarded amount, whereas Petitioner No.2 is entitled to get **30%** of the awarded amount accordingly.

8- 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.

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

**Costs of Petition**

<b>Particulars of Costs</b>	<b>Costs of Appl. In Rs.</b>	<b>Costs of Opp. No.2 In Rs.</b>
1. Court fee paid by applicant	15,000	0
2. Stamp for power	0	0
3. Stamp for exhibits	0	0
4. Pleader's fee.	3,493	9,475
5. Subsistence for witnesses	0	0
6. Process Fee	0	0
7. Commissioner's fee	0	0
8. Court fee req. to pay by applicants	0	0
<b>Total</b>	<b>18,493</b>	<b>9,475</b>

Note : The Judgment is pronounced on 30th April, 2026.

Prepared by      Checked by

Suptd.      Dy. Registrar

**(N.R. Joshi)**

**Judge Code - GJ 01318**

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

**Jamnagar**