

AWARD

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

EXH. - 41

Petitioners :-**Legal Heirs of deceased Nilesh Bhupatbhai Pitroda**

1. Rasilaben Bhupatbhai Pitroda,
Age : 67, Occupation : Homemaker,
2. Ketan Bhupatbhai Pitroda,
Age : 40, Occupation : Carpenter,
Both are residing at Shantivihar-2,
Behind Trimandir,
Opposite Rajmoti Towship, Jamnagar.

V E R S U S**Opponents :-****Owner and Insurance Company of Acura No.GJ-10-DM-2351**

1. Chirag Mansukhbhai Vadodariya,
Residing at Mayurnagar,
street No.2, B/12,
In the street of Banshidhar Provision Store,
Near Vambe Aavas, Jamnagar.
2. The H.D.F.C. Ergo General Insurance Co.,
Office at Swastik Avenue, 2nd Floor,
Near SBI Bank, Above Bank of Baroda,
Near Lal Bungalow, Jamnagar.

Subject: - Petition to claim compensation of Rs.20,00,000/- under
section 166 of Motor Vehicle Act, 1988.

Appearance:-

Mr.V.S.Travadi, Learned Advocate for the Petitioners.

Ms.P.B.Varu, Learned Advocate for the Opponent No.1.

Mr. M.J.Parekh, Learned Advocate for the Opponent No.2.

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Petition Registered on : Dt. 10/05/2024

Petition Decided on : Dt. 09/07/2026

Present claim petition has been filed by the petitioner under section
166 of Motor Vehicle Act, 1988 seeking compensation of Rs.20,00,000/-

along with interest on account of the death of the deceased due to injuries in road side vehicular accident. It is the case of the Petitioners that on 12/04/2024 at about 09:30 PM, the deceased was going by driving motorcycle No. GJ-10-CK-9547 at a moderate speed. When he reached near Saru Section Road, at the corner of Police Head Quarters, at that time of driver of Aactiva Scooter bearing No.GJ-10-DM-2351 came in an excessive speed and in rash and negligent manner, endangering human life, and dashed with the motorcycle. Thereby, the deceased received grievous head injuries and died during the treatment on 18/04/2024 at G.G. Hospital, Jamnagar.

FINAL = ORDER

1- Present Claim Petition is hereby **partly allowed**.

2- Petitioners are held entitled for the compensation of **Rs.8,60,400/- (Rupees Eight Lakh Sixty Thousand Four 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 11th 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 **90%**, whereas Petitioner No.2 is entitled to get **10%** of the award amount.

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

Particulars of Costs	Costs of Appl. In Rs.	Costs of Opp. No.1 In Rs.	Costs of Opp. No.2 In Rs.
1. Court fee paid by applicant	0	0	0
2. Stamp for power	3	3	0
3. Stamp for exhibits	0	0	0
4. Pleader's fee.	6,277	11,975	11,975
5. Subsistence for witnesses	0	0	0
6. Process Fee	0	0	0
7. Commissioner's fee	0	0	0
8. Court fee req. to pay by applicants	11,000	0	0
Total	17,280	11,978	11,975

Note : The Judgment is pronounced on 09th day of July- 2026.

Prepared by Checked by

Assistant Dy. Registrar

(N.R. Joshi)

Judge Code - GJ 01318

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