

AWARD

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

EXH. - 70

Petitioners :-**Legal Heirs of deceased Parsottambhai Bherumal Gajra**

1. Miraben Parsottambhai Gajra,
Age about 48, Occupation : Homemaker,
2. Dipak Parsottambhai Gajra,
Age about 24, Occupation : Study,
3. Karan Parsottambhai Gajra,
Age about 21, Occupation : Study,
Resident of 'Sunilkunj',
56- Digvijay Plot, Jamnagar.

V E R S U S**Opponents :-****Owner and Insurance Company of Car No.GJ-10-CG-7328**

1. Anilbhai Hirabhai Gajra,
Age : Adult, Occupation : Business,
Resident of 54- Digvijay Plot,
Jamnagar.
2. The New India Assurance Company Ltd.,
Office at 'Swagat', 2nd Floor,
Opposite Hotel Regency,
P.N. Marg, Jamnagar.

Subject: - Petition to claim compensation of Rs.40,00,000/- under section
166 of Motor Vehicle Act, 1988.

Appearance:-

Mr.N.P.Jethwa, Learned Advocate for Petitioners.

Mr.R.M.Chnadra, Learned Advocate for Opponent No.1.

Ms.L.K.Dhokai, Learned Advocate for Opponent No.2

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Petition Registered on : Dt. 06/05/2019

Petition Decided on : Dt. 24/04/2026
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Present claim petitions have been filed by the Petitioners under
section 166 of Motor Vehicle Act,1988 seeking compensation of ultimate

death of deceased Parsottambhai and for injuries received by respective Petitioners in road side vehicular accident. The Petitioners' case, in brief, is that deceased and Petitioners were travelling in Car bearing No.GJ-10-CG-7328 to attend a relative's funeral. At approximately 6:30 PM, near Navjivan Nature Care on the Bhuj-Mandvi Highway, the driver of the said vehicle went in a rash and negligent manner. While attempting to avoid a dog, the driver lost control, causing the vehicle to overturn. As a consequence of the accident, the occupants sustained grievous bodily injuries. Parsottambhai succumbed to his injuries, while the other petitioners sustained various physical traumas.

FINAL = ORDER

- 1- Present Claim Petition is hereby **partly allowed**.
- 2- Petitioner are held entitled for the compensation of **Rs.14,79,480/- (Rupees Fourteen Lakh Seventy Nine Thousand Four Hundred Eighty 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.
- 3- 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.
- 5- 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.
- 6- Petitioner No.1 is entitled to get 70%, whereas Petitioner Nos.2 and 3 are entitled to get **15% each** of the awarded amount.
- 7- The Opponents shall pay costs of the Petitioners and all the Opponents shall bear their own costs.
- 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- 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

- 10- 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.
- 11- 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.
- 12- The Original Judgment be placed in **Claim Petition No. 108 of 2019** and its True Copy be kept in **Claim Petition No.92 of 2019, 118 of 2019 and 132 of 2019** 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.
1. Court fee paid by applicant	0	0	0
2. Stamp for power	0	0	0
3. Stamp for exhibits	0	0	0
4. Pleader's fee.	9,373	21,975	21,975
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	15,000	0	0
Total	24,373	21,975	21,975

Note : The Judgment is pronounced on 24th April, 2026.

Prepared by Checked by

Suptd. Dy. Registrar

(N.R. Joshi)

Judge Code - GJ 01318

MACT(Main) & Principal District Judge

Jamnagar