

AWARD

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

EXH. - 36

Petitioner :-**Legal Heir of deceased Lakhmanbhai Arjanbhai**

1. Mansukhbhai Lakhmanbhai,
Age about 44 years, Occupation : Labour,
Resident of Junavankarvas, Arambhda,
Ta/Dist. Dwarka.

V E R S U S

Opponents :-**Owner and Insurance Company of Crane No.GJ-12-AN-0571**

1. Taufik Jusabbhai Panjwani,
Age : Adult, Occupation : Contractor,
Resident of Navinagari,
Vyomani Road, Okha,
Ta/Dist. Dwarka.
2. The New India Assurance Company,
Office at Manek Centre, Jamnagar.

Subject: - Petition to claim compensation of Rs.6,00,000/- under
section 166 of Motor Vehicle Act, 1988.

Appearance:-

Mr.H.P.Ganatra, Learned Advocate for the Petitioners

Opponent No.1 remained absent.

Mr.R.P.Tanna, Learned Advocate for the Opponent No.2.

Petition Registered on : Dt.24/09/2021

Petition Decided on : Dt.27/03/2026

The Petitioner who is heir and legal representative of the deceased Lakhmanbhai Arjanbhai has filed present claim under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs.6,00,000/- with 12% interest and costs, from the opponents on account of death of deceased due to injuries sustained by him in an accident that took place on 01/08/2021 at the time and place specified in Petition involving the vehicle being Crane No.GJ-12-AN-0571.

It is further case of Petitioner that deceased had suffered fatal injuries

in the said accident which was allegedly caused by vehicle being Crane No.GJ-12-AN-0571.The said vehicle was being owned by Opponent No.1 and insured with Opponent No.2.

FINAL = ORDER

- 1- Present Claim Petition is hereby **partly allowed**.
- 2- Petitioner is held entitled for compensation of **Rs.1,83,600/- (Rupees One Lakh Eighty 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- **The New India Assurance Company Limited** is entitled to initiate recovery/Execution proceedings against Owner of Crane No.GJ-12-AN-0571 (Opponent No.1), in case of awarded amount deposited by Insurance Company in Tribunal. It is made clarified that Insurance Company is at liberty to file directly Execution Petition against Opponent No.1, without filing of separate proceedings on the basis of this order.
- 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, and amount of interim compensation would paid if any, be deduct first and thereafter, from the remaining amount, **40%** shall be paid to the Petitioner by direct transfer to the credit of the bank account of the petitioner by NEFT or RTGS after proper verification and thereafter, remaining **60%** of the compensation amount shall be deposited in the name of petitioner 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 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 Opponent Nos.1 and 2 shall pay costs of the Petitioner and shall bear their own costs.

Costs of Petition

Particulars of Costs	Costs of Appl. In Rs.	Costs of Opp. No.2 In Rs.
1. Court fee paid by applicant	0	0
2. Stamp for power	0	0
3. Stamp for exhibits	0	0
4. Pleader's fee.	2,893	4,975
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	7,975	0
Total	10,868	4,975

Note : The Judgment is pronounced on 27th March, 2026.

Prepared by Checked by

Assistant Dy. Registrar

(N.R. Joshi)

Judge Code - GJ 01318

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