

AWARD

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

EXH. - 92

Petitioners :-**Legal Heirs of deceased Ibrahimbhai Amadbhai Gera**

1. Bibiben W/o. Ibrahim Amad Gera,
Age about 53 years, Occupation : Homemaker,
2. Najmaben D/o. Ibrahim Amad Gera,
Age about 29 years, Occupation : Homemaker,
3. Yunus S/o. Ibrahim Amad Gera,
Age about 28 years, Occupation : Labour,
4. Rashida D/o. Ibrahim Amad Gera,
Age about 26 years, Occupation : Homemaker,
5. Jebun D/o. Ibrahim Amad Gera,
Age about 25 years, Occupation : Homemaker,
6. Nashir S/o. Ibrahim Amad Gera,
Age about 24 years, Occupation : Study,

[Petitioner No.6 become major as per order below Exh.31]

All are resident of village Goinj,
Ta.Khambhaliya, Dist. Devbhumi Dwarka.

V E R S U S**Opponents :-**

1. Bhavesh Laxmanbhai Makwana,
Residing at Butavadar,
Ta.Jamjodhpur, Dist. Jamnagar.

[Driver of Motorcycle No.GJ-10-AE-1324]

2. Suvali Hajibhai Halepotra,
Residing at village Sakhpur,
Ta.Jamjodhpur, Dist. Jamnagar.

[Owner of Motorcycle No.GJ-10-AE-1324]

3. Lakhmanbhai Hirabhai Makwana,
Residing at Butavadar,
Ta.Jamjodhpur, Dist. Jamnagar.

[Purchaser of Motorcycle No.GJ-10-AE-1324]

4. Rafik Osmanbhai Kureshi,
Residing at village Laloi,
Ta.Jamjodhpur, Dist. Jamnagar.

[Registered owner of Motorcycle No.GJ-10-AE-1324]

[Opponent No.4 is joined as per order below Exh.23]

Subject: - Petition to claim compensation of Rs.8,00,000/- under
section 166 of Motor Vehicle Act, 1988.

Appearance:-

Mr. J.R.Jadeja, Learned Advocate for the Petitioners.

Mr.A.V.Patel, Learned Advocate for the Opponent Nos.1 & 3.

Mr.M.O.Ishani, Learned Advocate for the Opponent No.4.

Petition Registered on : Dt.30/10/2018

Petition Decided on : Dt.27/03/2026

The Petitioners being heirs and legal representatives of the deceased **Ibrahim Amadbhai Gera** have preferred present claim under Section 166 of the Motor Vehicles Act seeking compensation to the tune of Rs.8,00,000/- with 18% 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 11/10/2017 at the time and place specified in Petition involving the vehicles being Motorcycle No.GJ-10-AE-1324 and Motorcycle No.GJ-10-Q-6244.

FINAL = ORDER

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

2- Petitioners are held entitled for the compensation of **Rs.5,28,600/- (Rupees Five Lakh Twenty Eight 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 4 jointly and severally. **Opponent Nos.2 and 3 are hereby exonerated.**

3- It is required to clarified that Opponent No.4 is liable to pay interest at the rate of 9% per annum on the awarded compensation from the date of his joining the proceedings, that is, 29/11/2024, till its realization accordingly. Whereas Opponent No.1 is liable to pay interest at the rate of 9% per annum from the date of petition till its realization on the awarded compensation.

4- If compensation has been awarded and paid under section 140 of Motor Vehicle Act, than such amount of compensation shall be reduced from the

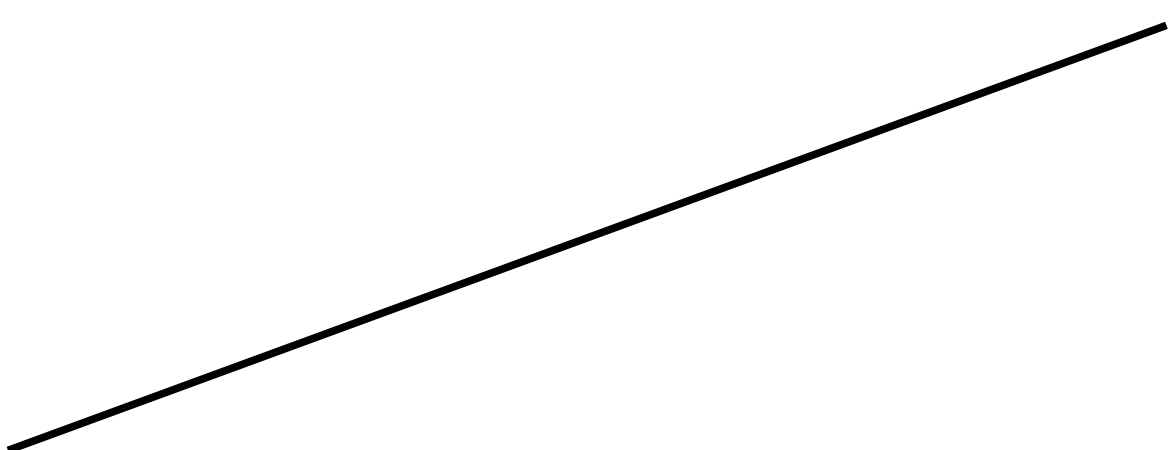
amount of compensation awarded by this order.

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 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.

6- Petitioner No.1 is entitled to get **50%**, whereas Petitioner Nos.2 to 6 are entitled to get **10% each** of the award amount.

7- 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.

8- The Opponent Nos.1 and 4 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.3 In Rs.	Costs of Opp. No.4 In Rs.
1. Court fee paid by applicant	0	0	0	0
2. Stamp for power	0	0	3	3
3. Stamp for exhibits	0	0	0	0
4. Pleader's fee.	4,618	5,975	5,975	5,975
5. Subsistence for witnesses	0	0	0	0
6. Process Fee	0	0	0	0
7. Commissioner's fee	0	0	0	0
8. Court fee req. to pay by applicants	14,550	0	0	0
Total	19,168	5,975	5,978	5,978

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

Prepared by Checked by

Suptd. Dy. Registrar

(N.R. Joshi)

Judge Code - GJ 01318

MACT(Main) & Principal District Judge

Jamnagar