MACMA No. 29 / 2026
(in MACP No.143/2011)

Order below Exh.1 :-

Applicant :

Alarakhabhai @ Giga Ishabhai Balagamiya

Aadhar Card No.	:	4568 2753 1286
PAN Card No.	:	CNWPB2147L
UCO Bank A/c. No.	:	04800110075791
IFSC Code	:	UCBA0000480
Branch Name	:	Junagadh

V E R S U S

Opponents :-

1. **The Manager,**
   UCO Bank,
   Jayshrri Road, Opp. Mahasagar Travels, Junagadh.

2. **The united India Insurance Co. Ltd.**
   Near Bhutnath Temple, Above Lohana Vidhyarthibhavan, Junagadh.

-: O R D E R :-

(1) Herein, MACP No.143/2011 has been decided by Judgment and Award on 21.03.2018 whereby the claim petition was partly allowed. The opponent had challenged the said order before the Hon'ble High Court vide First Appeal No.5048/2018 which was dismissed on 19.12.2025. Therefore, claimant has preferred present application to withdraw the deposited amount of award.

(2) At the time of passing the Award, the Tribunal has passed the following order:

"(5) After the amount being deposited, requisite Court fees, if

any, and/or interim compensation received earlier, is ordered to be deducted and from the remaining amount, 70% amount shall be paid to the applicant by way of A/c.Payee Cheque in his name on proper identification and rest of the amount shall be invested in any of the nationalized bank of his choice in his name in Fixed Deposit for a period of 3 (three) years with condition that no loan or any advance shall be given on the aforesaid amount without previous permission of this Tribunal. The periodical interest payable on the said F.D.R. shall be paid to the applicant and on maturity the amount of the said investment shall be paid to the applicant without requiring any order of this Tribunal. The period consumed for preparing certified copy of award shall be given set off."

(3) But the opponent, being aggrieved and dissatisfied with that judgment and award, filed an appeal bearing R/First Appeal No.5048/2018 wherein the Hon'ble High Court has passed following order on 19.12.2025:

"1. Heard learned advocates for the respective parties.

2. Learned advocate for the respondents pointed out that the captioned appeal may not deserve the consideration on merits owing to the smallness of the amount awarded by the learned Tribunal. It is noticed that the amount awarded a sum of Rs.1,57,000/- to the original claimant. This is a small and meager amount and considering the aspect of having no dispute in regard to the road accident, I am of the opinion that this appeal may not deserve consideration, more particularly, on the ground of smallness of amount. Accordingly, present first appeal stands dismissed.

3. It is made clear that present first appeal is dismissed on account of smallness of the amount and the order passed by this Court shall not be treated as precedent so as to say that this Court has decided any issue on merit. The whole purpose to dismiss the appeal on account of smallness of amount is with a view to avoid hardship both physically and financially on the part of the original claimant to appear and defend the case.

4. Therefore, this order shall not be cited as precedent in any pending matters before any Court in the State of Gujarat.

5. If any amount of compensation, or any statutory amount, lying deposited with the Registry of this Court shall be transmitted to the learned Tribunal concerned.

6. Records & Proceedings if any, to be sent back to the concerned Court immediately. The entire award amount be disbursed and released in favour of claimant after due

verification by transferring said amount to the accounts of claimant by RTGS or NEFT.

7. The appellant is at liberty to revive the appeal in case of difficulty."

(4) Therefore, since the appeal preferred by the opponent was dismissed by the Hon'ble High Court, the present applicant has preferred the present application.

(5) This Tribunal has passed following order at Exh.1:-

"The applicant/applicants shall furnish following information immediately :-

1. Whether appeal has been preferred by either party?
2. Whether any stay order against execution of award of the Higher Court is there?

And further the Senior Clerk, M.A.C.T. Branch shall have endorsement of person concerned that whether any writ for filing of appeal has been received in this matter and whether any stay against execution of award is there or not ?"

(6) Thereafter, the concerned Clerk has made an endorsement on 31.01.2026 that writ of the Hon'ble High Court is received on 12.01.2026 for First Appeal No.5048/2018 so far as present MACP is concerned.

(7) Notice was issued to the opponent-insurance company and same has been served vide Exh.7 but none has appeared on behalf of the said insurer.

(8) The Nazir has endorsed on 06.03.2026 that the amount of Rs.65,762/- stands credited in the petition vide Register "C" No.302 dated 05.03.2026. Nazir has further endorsed that earlier Court Fee of Rs.3,900/- has been deducted towards Court Fees.

(9) Therefore, considering the amount and considering the order of the Hon'ble High Court and Award of the Tribunal

and in view of the above, the following disbursement order is passed and the present application stands disposed off accordingly.

₹65,762 /-	The amount deposited to satisfy the award.
Rupees Sixty Five Thousand Seven Hundred Sixty Two Only	
NIL	Be recovered towards the deficit Court Fee Stamp and to be Credited to the Government.
₹65,762 /-	Remaining Amount be disbursed to the claimant.
Rupees Sixty Five Thousand Seven Hundred Sixty Two Only	
OUT OF WHICH	
₹65,762 /-	**NEFT/RTGS** Be paid to the **Applicant** through NEFT/RTGS mode in his/her bank account after proper verification and identification.
Rupees Sixty Five Thousand Seven Hundred Sixty Two Only	

- Yadi be sent accordingly.

Date : 07.03.2026
Junagadh.

(B. G. Dave)
M. A. C. Tribunal (Main)
Junagadh
[GJ00469]