M. A. C. PETITION NO.592/2003			
FILED ON	20/11/2003		
REGISTERED ON	20/11/2003		
DECIDED ON	15/06/2026		
DURATION	**YY**	**MM**	**DD**
	22	**06**	**26**

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL (AUX), AT JUNAGADH

MOTOR ACCIDENT CLAIM PETITION NO.592/2003

EXH.

APPLICANT:

Heir of Deceased Rasikbhai Valjibhai Vaghasiya
Jyotiben Rasikbhai Vaghasiya
Aged about: 61 years,
Occupation: Household,
R/o. Ahmedabad,
Bopal,
Ahmedabad.

VERSUS

OPPONENTS:

DRIVER/ OWNER AND INSURER OF MOTORCYCLE BEARING REGISTRATION NO.**GJ-3-LL-8193**:

1. Vrujlal Ramjibhai Vadaliya,
   Residing at: Desai Wadi, Near Shamnath Temple,
   Jetpur.
2. Insurance Company:
   The National Insurance Company Limited,
   Ramkrishnanagar, Behind Bus Stand,
   Junagadh.

SUBJECT :- PETITION TO RECOVER COMPENSATION UNDER SECTION-166 OF THE MOTOR VEHICLE ACT, 1988

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MR. R.V. PAREKH
LEARNED ADVOCATE FOR APPLICANT
NONE HAS APPEARED FOR OPPONENT NO.1
MR. P.M. HIRPARA
LEARNED ADVOCATE FOR OPPONENT NO.2

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-: JUDGMENT :-

(1) The present claim petition has been placed before this Tribunal for fresh adjudication in strict compliance with the binding directions issued by the Hon'ble High Court of Gujarat vide its judgment dated April 23, 2026, passed in R/First Appeal No. 2445 of 2012. The original claimant preferred the captioned claim petition under Section 166 of the Motor Vehicles Act, seeking compensation for grievous physical injuries sustained by him in a vehicular accident. By an earlier judgment and award dated March 30, 2012, this Tribunal had dismissed the claim petition in its entirety on the ground that the claimant failed to establish the involvement of the offending vehicle. Aggrieved by the said dismissal, the claimant moved the Hon'ble High Court in appeal. The Hon'ble High Court quashed and set aside the absolute dismissal, observing that there is ample and sufficient evidence on record, including the police charge-sheet and the statement of the accused driver, to prove the involvement and negligence of the rider of the

offending motorcycle. Accordingly, the Hon'ble High Court has remanded the matter back to this Tribunal with a categorical directive to decide the issue of quantum of compensation afresh, explicitly clarifying that this Tribunal is not required to re-enter or re-examine the issue of the involvement of the vehicle.

(2) Adhering strictly to the judicial boundaries mapped out by the Hon’ble High Court in the remand order of dated April 23, 2026, passed in R/First Appeal No. 2445 of 2012, Issue No. 1 regarding the factum of the accident, the involvement of the motorcycle bearing registration No. GJ-3-LL-8193, and the rash and negligent driving of its rider, Mr. Vipulbhai Patel, stands answered in the affirmative and is treated as a settled fact. Therefore, this Tribunal is now exclusively called upon to evaluate Issue No. 2, which pertains to the computation of a just and fair quantum of compensation to be awarded to the claimant, and to determine the liability of the respective opponents.

(3) During the pendency of the proceedings following the remand, a material developmental fact has been brought to the notice of this Tribunal via a calculation pursis filed by the

learned advocate for the claimant at Exhibit 59. The record reveals that the original claimant, Rasikbhai Vaghjibhai Vaghasiya, passed away on May 12, 2016. Consequently, his legal heir, dependent, and representative, Jyotiben Rasikbhai Vaghasiya, has been brought on record as per order passed below Exhibit 54, as the applicant to pursue the claim. Furthermore, as per the calculation pursis at Exhibit 59 and the corresponding agreement between the parties at Exhibit 33, the permanent physical disability sustained by the deceased claimant in his left leg has been mutually settled and accepted at 9.5% for the purpose of computing economic loss.

(4) For the purpose of calculating the future loss of income due to physical disability, this Tribunal relies upon the consensus parameters detailed in the calculation pursis at Exhibit 59. Upon being confronted with the said pursis, the learned Advocate for Opponent No. 2 Insurance Company has endorsed the same as “Seen”. This Tribunal notes that while the endorsement reads “Seen”, no formal counter-calculation or written objection has been preferred by the insurer to challenge the baseline parameters contained therein. The claimant's date of birth is established as 04.01.1960 (Driving Licence Exhibit 30), which establishes his age as

approximately 43 years at the time of the accident on 13.01.2003, conforming to his deposition at Exhibit 23. In view of the law laid down by the Hon’ble Supreme Court in *Sarla Verma v. Delhi Transport Corporation*, the appropriate multiplier applicable to a person aged 43 years is **14**. The monthly income of the deceased claimant is accepted at Rs.6,000/- as per the joint submission. Accordingly, the future loss of income is calculated by multiplying the monthly income of Rs.6,000/- by 12 months, the multiplier of 14, and the agreed disability of 9.5%, resulting in a sum of **Rs.95,760/-** (Rs.6,000 × 12 × 14 × 9.5%).

(5) This Tribunal further proceeds to award just compensation under non-economic and conventional heads in accordance with the items set out and accepted in the calculation pursis at Exhibit 59. Under the head of actual loss of income during the period of medical treatment and recovery, an amount of Rs.18,000/- is granted, representing a three-month recovery period evaluated at the monthly income rate of Rs.6,000/-. The actual medical expenses are awarded in a lump sum of Rs.3,000/- as accepted by the parties on record. Additionally, a consolidated amount of Rs.5,000/- is awarded under the conventional heads of special diet, attendant charges, and funeral/last

rites expenses. Summing up these individual heads, the total compensation payable to the legal heir amounts to **Rs.1,21,760/-** (comprising **Rs.95,760/-** towards future loss of income, **Rs.18,000/-** towards actual loss of income, **Rs.3,000/-** towards medical expenses, and **Rs.5,000/-** towards conventional expenses). Accordingly, the claimant's legal heir is held entitled to a total compensation of **Rs.1,21,760/-** under the aforesaid heads.

(6) With regard to the grant of interest, Section 171 of the Motor Vehicles Act, 1988, empowers this Tribunal to award interest at a reasonable rate from the date of the filing of the claim petition. Taking into consideration the exceptional vintage of this litigation, which was instituted in the year 2003, and keeping in view the long procedural journey including the appellate proceedings before the Hon’ble High Court, this Tribunal finds no evidence of deliberate delay or malicious intent attributable to the claimant. While the calculation pursis at Exhibit 59 notes the foundational parameters of the claim, this Tribunal must align its final findings on interest with contemporary economic realities and the settled principles of the Hon’ble Supreme Court of India. Accordingly, to meet the ends of justice and ensure fair

restitution to the legal heir of the deceased claimant, it is ordered that the total mathematically corrected compensation of Rs.1,21,760/- shall carry interest at a reasonable and just rate of 7% per annum from the date of the claim petition until its actual realization. Since the Opponent No. 2 Insurance Company has merely endorsed the calculation pursis as "Seen" via its learned advocate without bringing any statutory breach or policy violations to light, the primary liability to satisfy this interest alongside the principal amount rests squarely upon them to indemnify the owner. Therefore, in the absence of any contrary evidence or active objections on record, this Tribunal proceeds to pass the final order for immediate deposit and electronic disbursement to the current applicant.

(7) I therefore answer the Issue No.2 accordingly and so far as the reply of Issue No.3 in this claim petition is concerned, following order is passed.

-: ORDER :-

1. The Claim Petition is partly allowed.
2. The applicant does recover an amount of **Rs.1,21,760/- (Rupees One Lac Twenty One Thousand Seven Hundred Sixty Only)** as compensation with interest @ 7% per annum from

the date of filing the petition till realization of awarded amount along with proportionate costs from the opponents jointly and severally.

3. The opponents are liable to pay compensation to the applicant and they are directed to deposit the amount in the office of this Tribunal within 30 days and as per the direction of the Hon'ble Supreme Court of India in **Writ Petition (Civil) No.534/2020**, the opponents are directed to deposit the awarded amount through RTGS or NEFT, whichever is applicable as per the details given below:

Name of Beneficiary: Motor Accident Claims Tribunal, Junagadh.
Name of Bank:State Bank of India, Junagadh, Sardar Baugh Branch.
Account No. 40726344053
IFSC Code: SBIN0016064

5. N.F.L. amount, if any paid, be deducted from the awarded amount.

6. On realization of the above said amount, deficit court fees, if any, shall be recovered.

7. On depositing the said amount, the entire amount of compensation along with accrued interest shall be paid to the applicant by Account Payee Cheque / through RTGS or NEFT, as the case may be. Considering the facts and circumstances of the present case, particularly the long pendency of the claim proceedings, the fact that the applicant is the legal heir of the original claimant, the comparatively small amount of compensation awarded, and the fact that the

delay period has already been compensated by awarding interest from the date of filing of the claim petition till realization, this Tribunal finds it appropriate not to direct investment of any part of the awarded amount in Fixed Deposit. Accordingly, the entire awarded amount along with interest accrued thereon shall be released in favour of the applicant.

8. The opponents are directed to scrupulously follow the direction given by the Hon'ble High Court in the case of Smt. Hansaguri Prafulchandra Ladhani & Ors. vs. The Oriental Insurance Co. Ltd. reported in **2007(2) G.L.H. Page 291** with regard to computation of interest by spreading the amount over the relevant year from the date of claim petition till the date of deposit and deduction of Tax at Source on the amount of interest.

9. The opponents do bear their own costs and they shall pay proportionate costs to the applicant.

10. Award be drawn in terms of this judgment.

Pronounced in the open Tribunal, today on this 15th Day of June, 2026.

Date:15/06/2026
Junagadh

(Hiteshkumar Girishbhai Damodra)
M.A.C.T.(Aux)
Junagadh
CODE GJ01005