

**ORIGINAL DECREE / AWARD**  
**Order 20, Rule 6 & 7**  
**BEFORE THE HON'BLE MOTOR ACCIDENT**  
**CLAIMS TRIBUNAL**  
**(Aux.-3), AT: ANJAR-KACHCHH.**

.....  
MACP No. 29 of 2022.

Exh. 48/A

**Legal heirs of decd. Narshibhai Vishrambhai  
Chavda:-**

1. Meenaben Narshibhai Chavda,  
Age: 48 years, Occu.: Home maker,
2. Gaurav Narshibhai Chavda,  
Age : 25 years, Occu : Study,  
Both Resi. House No.141, Murlidharkrupa  
Society -1, Near Radhanagar Main Gate,  
Vill : Meghpar Borichi, Tal : Anjar –Kachchh.....**Applicants**

**VERSUS**

1. Deleted as per order below Ex.15

Ilakshiben Piyushbhai Vankar,  
D/o. Ashokkumar Solanki  
Age : 35 Years, Occu : Job,  
R/o. House No.133, Murlidharkrupa society-2,  
Vill : Meghpar Kumbhardi,  
Tal : Anjar - Kachchh.....Opponents.

**Application Filed on 8. 12. 2022.**

**Application Registered on 8. 12. 2022.**

.....2

1. The present applicants have filed this claim petition u/s.166 of M.V. Act to get compensation in respect of accidental death of deceased namely, **Narshibhai Vishrambhai Chavda**, who is husband of applicant no.1 and father of applicant No.2.
2. **The facts of petition in brief are as under:-**

That on 31/07/2022 at about 19:45 hrs., in night, deceased was going to his house by walking and passing from Bansari Vill Society at that time, driver of Datsan Go car registered No.GJ.12.CD.5780 was driving his vehicle in rash and negligent manner with full speed and near Bansari Villa, Adipur Highway dashed with the deceased Narshibhai Vishrambhai Chavda from behind and caused accident. That in the said vehicular accident, deceased has sustained severe injuries on his various parts of body and he succumbed to the injuries.

That at the time of accident, deceased "**Narshibhai Vishrambhai Chavda**" was aged about 56 years and used to earn Rs.73,364/- p.m. by service at Polytechnic College as a Senior Clerk. That because of sudden demise of deceased present applicants have suffered permanent loss of future income as well as lost love and affection of the deceased. That if the deceased would not have died in the impugned accident, he would have lived longer and would have earned more income in future also. That as impugned accident took place because of gross negligence on the part of driver of offending vehicle i.e. **Datson Go Car No. GJ.12.CD.5780**, present applicants have, in all, claimed compensation of Rs.60,30,000/- from the present opponents on all counts.

**Issues are Framed vide Exh. 45**

The Matter was placed before Hon'ble Mr. K. K. Shukla, Motor Accident Claims Tribunal (Aux.-3), At Anjar-Kutch in presence of Shri V. V. Chavda Advocate for the applicants and None for the Opponent No.2 for final Disposal & following Order has been passed on Dated 13/03/2026.

**:: ORDER ::**

- The claim petition is hereby partly allowed.
- **The claimants are entitled to recover compensation of Rs.61,21,400/-(Rs. Sixty One Lacs Twenty One Thousands Four Hundred Only), with proportionate cost & interest @6% p.a., from filing of claim petition till realization from the Opponent No.2.**
- **The Opponent No.2 is hereby directed to deposit in the Office of this Tribunal the above amount of award, after deducting the amount of interim compensation,if any paid u/s.140 of M.V.Act, within 30 days from the date of this order.**
- Deficit Court Fees stamp, if any, be recovered from the awarded amount.
- After deducting the amount of interim compensation, if any paid U/s.140 of M.V.Act, the **Opponent No.2** is hereby directed to deposit awarded amount before the Tribunal through RTGS/NEFT as per following apportionment and for that they shall follow the instructions and direction issued by the Hon'ble Apex court in the case of *Bajaj Allianz General*

***Insurance Co.Pvt.Ltd Vs. Union of India and Ors, passed in  
Writ Petition(Civil No(S) 434/2020, dated 16/11/2021.***

- Out of the total amount inclusive of interest and costs when deposited, after deducting necessary court-fee, the remaining amount be distributed among all the applicants as per the apportionment shown below :-
  - (i) 60% share shall be payable to applicant No.(1),wife of deceased.
  - (ii) 40% shares each shall be payable to applicant No.2.
- Out of the amount as apportioned above, and considering the ratio laid down by the Honourable Apex Court in the case of A.V. Padma V/s. Venugopal, reported in 2012(1) GLH (SC) 442, and further considering the fact that 70% amount falling to the share of claimants be invested in the individual name of applicants in any nearest nationalized bank for a period of five years with condition not to withdraw the same or to create any encumbrances or to raise loan without the prior permission of this Tribunal but the bank shall pay periodical interest to the claimants. The remaining 30% of the amount be paid to the claimants by an account payee cheque/RTGS in her individual name after due verification.
- The ratio laid down by Honourable Gujarat High Court, in the case of ***Smt. Hansaguti P. Ladhani v/s. The Oriental Insurance Company Ltd., reported in 2007(2) GLH 291***, is ordered to be followed strictly.

The costs shall be borne by **Opponent No.2.**

**TABLE OF COSTS**

Applicant			Opponents		
	Applicant	Rs. Ps.		Opponent	Rs. Ps.
1	Stamps of Pleint	7,500/-	1	Stamp of Vakalatnama	---
2	Court Fee to be recovered.	7,500/-	2	Pleader's Fee	----
3	Stamp of Vakalatnama	3/-	3	Subsistence for witness	--
4	Do. for Exhibits	---	4	Commissioner Fee	----
5	Pleader's Fee	32,582/-	5	Service of Process	----
6	Subsistence for Witness	--			
7	Commissioners Free	--			
8	Service of Process	10/-			
9	Printing Charges	--			
	Total Rs.	47,595/-		Total Rs.	----
	Non Granted Costs	---		Non Granted Costs	---
1	On Pleint	--	1	On Opp. Pleint	--
2	Pleaders Fees	--	2	Pleaders Fees	--
3	Process Fees	--	3	Process Fees	--
	TOTAL	--		TOTAL	--
	Remain Amount	47,595/-		Remain Amount	----

Given under my, hand and the seal of court this day of  
13th March, 2026

Examined and found to be in order

Senior Clerk  
M.A.C.T.(Aux.)

Dy. Registrar  
M.A.C.T.(Aux.)

M.A.C.T.(Aux.-3)  
Anjar-Kutch

Advocate for the Applicant Advocate for the Opponent  
[The parties of this application are hereby given notice that the documents produced by them if not taken back by them after the period of appeal will be liable to be destroyed.]