

Presented on - 30-06-2017

Registered on - 30-06-2017

Decided on - 14-05-2026

Duration - Y – M – D

**IN THE COURT OF 2nd ADDITIONAL DISTRICT JUDGE &
MOTOR ACCIDENT CLAIM TRIBUNAL (AUX) AT
MAHESANA**

M.A.C.P. No.: 206 of 2017

Exh.

Petitioners (Claimants) :-

HITESHJI BALAJI THAKOR

Age : 23, Occupation : Agriculture, Driving,

Resi. Narsinhapura, Ta. Kadi, Dist. Mahesana.

VERSUS

Opponents :-

(1) Insurance Company of Vehicle No.GJ-02-CG-4334

ICICI Lombard General Insurance Co.

Address : B/s Ketul Chambers, Highway Road, Mahesana.

(2) Owner of Vehicle No. GJ-06- AU – 5069

Darshanbhai Prafulbhai Panchal,

Age : Adult, Occupation : Not known,

Resi. Mastan Faliya, Manpor Chakla, Jain Vaga Road,

Dabhoi, Ta. Dabhoi, Dist. Vadodara.

Subject: Claim Petition For Rs. 5,00,000/- U/S 166 of M.V.Act.

APPEARANCE:

Learned Advocate Ms. R.J.Thakor For the claimant

Learned advocate Mr.S.G.Shah for opponent No.1

-:: J U D G M E N T ::-

1. This petition under Section 166 of the Motor Vehicle Act, 1988 (here-in-after referred to as 'the Act') has been instituted by claimant seeking compensation to the tune of Rs. 5,00,000/- (Rupees Five Lakhs only) along with interest of 12% per annum from date of filing of petition.
2. As per the case, On February 10, 2017, the claimants, having recently purchased a new vehicle, were traveling from Narsinhpura to Chotila to pray at the Chamunda Mata temple. At approximately 6:30 AM, while the vehicle was in transit, the offending vehicle bearing registration number GJ-06-AU-5069, was being driven ahead of the claimants' vehicle. It is alleged that the driver of offending vehicle, without any prior signal or indication and in utter disregard for traffic safety, abruptly applied the brakes. Consequently, the driver of the claimants' vehicle bearing registration number GJ-02-CG-4334), despite attempts to maintain control, collided with the rear of the

offending vehicle due to the latter's excessive speed and sudden deceleration. The impact caused the claimants' vehicle to turtle into a roadside ditch. In the resulting wreckage, passengers Bhalaji Juhaji Thakor, Pradhanji Revaji Thakor and Natuji Somaji sustained fatal injuries and succumbed at the spot. Furthermore, the applicant sustained multiple grievous injuries, leading to a state of unconsciousness at the scene of the accident. The primary cause of the accident is attributed to the gross negligence, rashness, and lack of due care on the part of the driver of the offending vehicle No. GJ-06-AU-5069.

3. Notice was issued to opponents no. 1 & 2 and it was served. As per record Opponent no.1 appeared through its learned advocate Mr.S.G.Shah on behalf opponent No.1 and filed his written statement vide Exh.16 in this matter.
4. The applicant/claimant did not led any evidence to support his claim. Moreover since many time he has not appeared before this tribunal. The opponent No.1 has appeared and submitted an application seeking prevent the interest order and further seeking dismissal order if the the applicant did not appear for longer period. This tribunal by considering the record of the present case and closed the right of the applicant to lead evidence by passing order below Ex.19 and order to proceed the matter on merits. The applicant did not file any oral as well

documentary evidences in support of his claim.

5. Ld. Advocate of Opponent no.1 has submitted his oral Argument vide Exh.11 to delete his name from this claim petition. in this matter, short crux of it is, claimant was traveling in Ecco Car No.GJ-02-CG-4334 and he was the owner and applicant of the present Ecco Car. The applicant has neither joined the driver of the said Ecco Car and nor the owner of the said Ecco Car as opponent. He has only joined opponent No.1 as insurance company of the said Ecco Car & claimant has not submitted any evidence so present petition is required to be dismissed.

6. In view of the aforesaid pleadings, following issues were framed by this Tribunal at Exh. 17.

1. Whether the claimant proves that the claimant sustained injuries on account of rash or negligent driving on the part of the driver of the vehicle/s involved in the accident ?
2. What amount, if any is the claimant entitled to get by way of compensation from the opponent ?
3. What order and Award ?

7. My findings on above issues are as under:-

1. Issue No.:1 In Negative.
2. Issue No.:2 In Negative.

3. Issue No.:3 As per final order.

My Detail reasons for above finding is here under;

: REASONS :-

Issue No.1 & 2 :-

8. This Tribunal has carefully perused the case file. While it is noted that certain photocopies of documents—including the First Information Report (FIR), Spot Panchnama, Registration Certificate (RC) of the offending vehicle, and the Insurance Policy were filed along with the original petition, they have remained mere annexures on the record. It is a fundamental tenet of the Law of Evidence that mere filing of documents does not amount to proof. In the present case, the applicant has failed to file Affidavit of Chief Examination or enter the witness box to verify these documents. Consequently, these documents have not been exhibited or proved in accordance with the law. In the absence of an affidavit or oral testimony, the opponents were deprived of their right to cross-examine the claimant, and the contents of the FIR and Panchnama remain unproven hearsay. Furthermore, there is a total absence of any documentary evidence on record legally proved or otherwise to establish the age and income of the deceased/injured. Without these essential metrics, this Tribunal is left with no legal basis to calculate the quantum of compensation.

Applicant consistently failed to appear and lead evidence, leading to the closure of their right to do so by the

order of this Tribunal dated April 9, 2026. Since applicant has failed to discharge burden of proof by failing to exhibit the necessary documents or lead oral evidence to prove negligence of the driver, the claim stands unsubstantiated. Hence this tribunal answer Issue No.1 and 2 in negative and passed final order below for issue No.3.

-:: O R D E R ::-

Present Claim petition is hereby dismissed

No order to costs.

Award be drawn accordingly.

This order is Signed and pronounced in open court on
Day-14, Month- May, in the year- 2026.

Date : 14 / 05 / 2026

Place : Mahesana

(**M.F. Khatri**)

2nd Additional District Judge &

M.A.C.Tribunal (Aux.)

Mahesana.

UID GJ00691