

GJMH010046122023



M.A.C.P.No. 336 -2023 and 46-2024	
Filing Date :	26-12-2023
Registered Date:	26-12-2023
Decided on:	01-04-2026
Duration :	Year-Month-Day
	05 - 00 - 29

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(MAIN) MAHESANA, AT MAHESANA**

COMMON JUDGMENT PASSED IN

M.A.C.P. NO. 336 of 2023 and 46 of 2024.

Exh. 63

(MAIN M.A.C.P.NO. 336 of 2023)

Applicants Of M.A.C.P.NO. 336 of 2023 :-

Legal Heirs of Deceased Smit Nareshbhai Patel

- (1) Patel Pratikhaben Smit (Wife of deceased)
Age: 28, Occupation: Housework,
- (2) Minor Patel Krishil Smit (Minor Son of deceased)
Age: 04, Occupation: Nil
(Applicant No.2 being a minor, his guardian and next friend is his mother Applicant No.1 Patel Pratikhaben)
- (3) Patel Nareshbhai Parshotamdas (Father of deceased)
Age: 50, Occupation: Retired,
- (4) Patel Hansaben Nareshbhai (Mother of deceased)

Age: 50, Occupation: Retired

All residing at: 30/Chandralok Society, Modhera
Road, b/h Lakipark, Mahesana.

VERSUS

Opponents :

- (1) Driver of Truck No. GJ-06-AN-3566
Bipinkumar Vitthalbhai Raval,
Resi. Dabhala, Ravalvas,
Dist. Vijapur, Dist. Mahesana.
- (2) Owner of Truck No. GJ-06-AN-3566
Natvarbhai Shankarbhai Parmar,
Resi. 93, Rohitdas Nagar, Near Tekra,
Lakhvadi Bhagol, Mahesana 384001.
- (3) Insurer of Truck No. GJ-06-AN-3566
Megma HDI General Insurance Co. Ltd.,
Address : S/1, 2nd Floor, Sigma Oasis,
Near H.D.F.C. Bank, Near Rajkamal Petrol Pump,
Mahesana- 384001.

Subject :- Claim Petition For Rs.1,00,00,000/- U/S.166 Of The
M. V. Act.

Applicant Of M.A.C.P.NO. 46 of 2024 :-

Patel Shaileshbhai Khodabhai Patel
(Power of Attorney holder – Applicant Patel Pratikhaben)
Age: 50, Occupation: Business
Residing at: 25, Aalok Tenament, Vibhag-2,
Maheshvarinagar Road, Takshashila Road, Vastrapur,
Ahmedabad, presently at North Carolina, USA. Power of
Attorney Holder – his daughter Patel Pratikhaben.

Subject :- Claim Petition For Rs. 15,00,000/- U/S.166 Of The
M. V. Act.

VERSUS**OPPONENTS FOR BOTH CLAIM PETITIONS:-**

- (1) Driver of Truck No. GJ-06-AN-3566
Bipinkumar Vitthalbhai Raval,
Resi. Dabhala, Ravalvas,
Dist. Vijapur, Dist. Mahesana.
- (2) Owner of Truck No. GJ-06-AN-3566
Natvarbhai Shankarbhai Parmar,
Resi. 93, Rohitdas Nagar, Near Tekra,
Lakhvadi Bhagol, Mahesana – 384001.
- (3) Insurer of Truck No. GJ-06-AN-3566
Meghma HDI General Insurance Co. Ltd.,
Address : S/1, 2nd Floor, Sigma Oasis,
Near H.D.F.C. Bank, Near Rajkamal Petrol Pump,
Mahesana- 384001.
- (4) Insurer of Honda City Car No. GJ-27-BL-4361
Go Digit General Insurance Co. Ltd.,
Address : 201 to 208, ES/9 Shopping Centre, 2nd
Floor, Mahesana–Ahmedabad Highway, Mahesana.
Note : The opponent No.4 stands **deleted** as per
order below Exh.15.

APPEARANCE

Mr. B.G. Patel : Learned advocate for applicant
Mr.C.A.Darji : Learned advocate for opponent No.1 and 2
Mr.N.R.Bhavsar : Learned advocate for the opponent No.3

-:: COMMON JUDGMENT ::-

- [1] Both the claim petitions have arisen out of a common incident of motor accident. The claim petition No. 336 of 2023 is a fatal case

filed by the legal heirs of the deceased Smit Nareshbhai Patel, and the claim petition No. 46 of 2024 is a property damage case filed by the owner of the damaged Honda City Car No. GJ-27-BL-4361, being Patel Shaileshbhai Khodabhai Patel, through his Power of Attorney holder Patel Pratikhaben, arising out of the same accident. Learned advocate of applicants has filed application vide Exh.18 to consolidate both claim petitions. Hence, both the petitions have been consolidated and tried together as a common case for convenience of the Court as well as the parties, treating MACP No. 336 of 2023 as the main claim petition and recording evidence therein.

[2] The claim petition No. 336 of 2023 has been filed by the legal heirs of the deceased under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.1,00,00,000/- (Rupees One Crore) on account of the death of Smit Nareshbhai Patel caused due to a motor vehicle accident that occurred on 28.10.2023. The claim petition No. 46 of 2024 has been filed by the owner of Honda City Car No. GJ-27-BL-4361, under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.6,00,000/- (Rupees Six Lakhs) on account of total loss of the said vehicle in the same accident.

[3] The case of the claimants can be summarized as under :-
On 28.10.2023, at around 09:30 P.M., the deceased Smit Nareshbhai Patel was proceeding from Palanpur towards Ahmedabad via Mehsana Bypass Road in his Honda City Car bearing No. GJ-27-BL-4361 (Model 2017). He was proceeding on the Mahesana Nugar Bypass Road, Karshanpura Bridge area, within the limits of Mahesana Taluka Police Station. At that time, he was driving slowly and in the correct direction on the road. From the opposite side, the driver of Truck No. GJ-06-AN-3566, Bipinkumar Vitthalbhai Raval,

in a rash, negligent, reckless and high-speed manner, endangering human lives, came and overtook a large vehicle without finding sufficient space to safely overtake. Unable to complete the overtaking manoeuvre, and unable to control or halt the said truck, the truck dashed head-on into the Honda City Car of the deceased. As a result of the said violent collision, the Honda City Car was totally damaged, and the deceased Smit Nareshbhai Patel sustained fatal and grievous injuries as mentioned in the Post-Mortem Report and died at the spot itself. The said accident occurred solely on account of the rash and negligent driving by the driver of Truck No. GJ-06-AN-3566. In connection with this accident, a police complaint was lodged at Mahesana Taluka Police Station being FIR No. 154/2023 against driver of the said Truck No. GJ-06-AN-3566.

- [4] Opponents were duly served with notices. The learned advocate of opponent No.1 and 2 has appeared but did not file any written statement. The Opponent No.3 filed its written statement at Exh.49 in MACP No. 336/2023 and at Exh.50 in MACP No. 46/2024. Opponent No.4 is deleted from MACP No. 46/2024 as per order below Exh.15, since no own-damage premium was paid in respect of Honda City Car No. GJ-27-BL-4361 (only third-party liability premium was paid), and therefore the insurer of the said car is not liable to pay any compensation for property damage. The Opponent No.3 insurer of the offending truck similarly contested the claim on merits.
- [5] In the light of rival pleadings and contentions, the following issues have been framed at Exh.17 in MACP No. 336/2023 and at Exh.22 in MACP No. 46/2024.

-:: ISSUES in MACP No. 336/2023 ::-

- (1) Whether claimants proves that the deceased sustained injuries and died on account of such injuries due to rashness/negligent driving on the part of the driver of the vehicle's involved in the accident ?
- (2) What amount, if any, claimants are entitled to ,by way of compensation and from which of the opponent ?
- (3) What order and award ?

-:: ISSUES in MACP No. 46/2024 ::-

- (1) Whether claimants proves that property of the claimant has been badly damaged due to rash and negligent driving on the part of driver of vehicle involved in the accident ?
- (2) What amount, if any, claimants are entitled to ,by way of compensation and from which of the opponent ?
- (3) What order and award ?

[6] My findings on the above issues for both the petitions are as under:-

- (1) In the affirmative.
- (2) As per final order.
- (3) As per final order.

-:: REASONS ::-

[7] The Applicant in MACP No. 336/2023 has filed her affidavit in the form of examination-in-chief at Exh.22, and in MACP No. 46/2024 at Exh.23, and she has been cross-examined by the learned advocate of Opponent No.3. Witness Ajay Rampal Sharma, Surveyor Loss Assessor, has been called to the witness box and his deposition has been recorded at Exh.25. He was examined by the applicant's advocate and cross-examined by the advocate of Opponent No.3.

The learned advocate of the opponent No.3 has submitted its written argument vide Exh.61 and Exh.62 in both claim petitions wherein he has mainly argued that Honda City Car was over-speeding and could not control over the car and dashed to the opposite truck (Eicer) who was stationed at its appropriate side. As the driver of the Honda City car was himself tort feasor the 50% contributory negligence shall be considered. I have perused the arguments advanced by the learned advocates of both sides. Moreover the learned advocate has argued that total loss occurred to the Honda City Car was assessed by authorized surveyor based on the 2017 model but he has not verified the purchase bill that shows the car was purchased on 2017. Moreover he has argued that he has examined the status of car before the accident and therefore his he cannot assessed the exact assessment of the loss occurred to the car. Moreover he has argued that 10% depreciation value shall be considered and as per this analogy the 65% depreciation shall be considered and hence award should be calculated after deduction of 65% depreciation value from the loss occurred to the Car.

Before I proceed to appreciate the oral and documentary evidence, the following documents are required to be referred to since they have been taken into consideration for determination of just and adequate compensation.

[8] **Consolidated Oral Evidence :-**

Sr. No.	Witness	Exh. No.
1	Patel Pratikhaben Smit (Applicant No.1 / Wife of Deceased – MACP No. 336/2023; Also Applicant in MACP No. 46/2024)	22
2	Ajay Rampal Sharma (Surveyor Loss Assessor)	25

Consolidated Documentary Evidences :-

Sr. No.	Particulars	Exh No.
1	Copy of FIR (First Information Report) No.154/2023	32
2	Copy of Panchnama of Scene of Offence	33
3	Copy of Inquest Panchnama of deceased	34
4	Copy of Post-Mortem Report of deceased	35
5	Copy of Death Certificate of deceased	36
6	Copy of Driving License of deceased	37
7	Copy of Driving License of driver of Truck No. GJ-06-AN-3566	38
8	Copy of R.C. Book of Truck No. GJ-06-AN-3566	39
9	Copy of Insurance Policy of Truck No. GJ-06-AN-3566	40
10	Copy of R.C. Book of Car No. GJ-27-BL-4361	28
11	Copy of Insurance Policy of Car No. GJ-27-BL-4361	29
12	Copy of Survey Report Car No. GJ-27-BL-4361	26
13	Copy of School L.C. of deceased	41
14	Copy of PAN Card of deceased	42
15	Copy of Charge-sheet filed against driver of Truck	43
16	Copy of IT Return for 2021-22 of deceased	29
17	Copy of IT Return for 2022-23 of deceased	30
18	Copy of IT Return for 2023-24 of deceased	56
19	Copy of Power of Attorney executed in favour of Patel Pratikhaben	44

ISSUE NO.1 :- NEGLIGENCE :-

- [9] Issue No.1 is regarding the negligence of the vehicle. In both the claim petitions, Issue No.1 remains the same, namely, as to who was negligent in causing the accident, and therefore Issue No.1 is herewith discussed together for both claim petitions.

Regarding the issue of negligence, the applicant primarily relies upon the oral testimony recorded in the affidavit at Exh.22 (MACP No. 336/2023) and Exh.23 (MACP No. 46/2024). The applicant has deposed on oath that on 28.10.2023, at around 09:30 P.M., the deceased Smit Nareshbhai Patel was proceeding from Palanpur to Ahmedabad via Mehsana Bypass Road in his Honda City Car No. GJ-27-BL-4361. He was driving slowly and correctly on the road. On the Mahesana Nugar Bypass Road, Karshanpura Bridge, driver of Truck No. GJ-06-AN-3566 in a rash, negligent, high-speed and reckless manner, endangering human life, attempted to overtake a large vehicle, and unable to find space to complete the overtaking manoeuvre, could not control or stop the truck, and collided head-on with the Honda City Car of the deceased. The violent impact caused total damage to the Honda City Car and the deceased sustained fatal injuries leading to his death at the spot.

The FIR at Exh.32 and the Charge-sheet at Exh.43 clearly establish that a complaint was lodged at Mahesana Taluka Police Station and a charge-sheet has been filed against the driver of Truck No. GJ-06-AN-3566 for causing the accident. The Scene of Offence Panchnama at Exh.33 reveals that on the spot, both vehicles were seen in a damaged condition. The Honda City Car was totally damaged from its front side and the driver's side door was bent inward. The Eicher Truck No. GJ-06-AN-3566 was also damaged from its front side. Debris of both the vehicles, including small pieces of glass and fibre, was spread across the road. The Inquest Panchnama at Exh.34 and the Post-Mortem Report at Exh.35 further corroborate the factum of the accident and the manner of death of the deceased. The opponent driver/owner has failed to lead

any rebuttal evidence to explain the circumstances that led to the truck striking the Honda City Car of the deceased.

In the cross-examination recorded at Exh.22 (MACP No. 336/2023), the applicant has consistently maintained that the deceased was proceeding slowly in the correct direction, and it was the driver of the Truck No. GJ-06-AN-3566 who, while attempting to overtake a large vehicle in a rash and negligent manner, came and struck the Honda City Car head-on. This version of the applicant has remained unshaken in the cross-examination. Witness Ajay Rampal Sharma (Surveyor) at Exh.25 has deposed that on 01.02.2024, he prepared the survey report in respect of Honda City Car No. GJ-27-BL-4361 (Model 2017), which he found to be in total loss condition as a result of the accident with Truck No. GJ-06-AN-3566, and the said survey report (Exh.26) was prepared by him in the field of his expertise.

Considering the oral as well as documentary evidence on record, this Tribunal has no hesitation in holding that the accident took place on account of the sole negligence on the part of driver of Truck No. GJ-06-AN-3566, i.e., Opponent No.1. Hence, Issue No.1 is answered in the affirmative in both the claim petitions.

ISSUE NO.2 :- QUANTUM OF COMPENSATION :-

M.A.C.P.No.336 of 2023 :-

[10] Age and Income of the Deceased

For determining the quantum of compensation, it is pertinent to assess the age and income of the deceased at the time of the accident. The applicant has produced the School Leaving Certificate at Exh.41 and PAN Card at Exh.42 to establish the date of birth of the deceased. The date of birth of the deceased as per

these documents is 03.02.1995. The accident took place on 28.10.2023. Therefore, the age of the deceased at the time of the accident is determined as 28 years and approximately 8 months. This Tribunal considers the age of the deceased as 29 years at the time of the accident.

[11] As per the claim petition, the deceased was earning income from his profession/business. The applicant has produced copies of IT Returns. The IT Return for the year 2021-22 at Exh.29 shows income of Rs.4,85,876/-; the IT Return for the year 2022-23 at Exh.30 shows income of Rs.3,67,471/-; and the IT Return for the year 2023-24 at Exh.56 shows income of Rs.4,94,900/-. Taking the average of the three relevant years, the annual income of the deceased is arrived at as: $\text{Rs.4,85,876/-} + \text{Rs.3,67,471/-} + \text{Rs.4,94,900/-} \div 3 = \text{Rs.4,49,416/-}$ per annum approximately. The applicant has submitted I.T. return at Exh.56 which is filed on date 05.09.2024 i.e. after the date of death i.e. 28.10.2024 after one year therefore Exh.56 cannot be considered to calculating award. Hence Tribunal, considers annual income of deceased as **Rs.4,49,416/-**.

[12] Multiplier :-

As determined above, the deceased was 29 years of age at the time of the accident. In view of the law laid down by the Hon'ble Supreme Court of India in the case of National Insurance Co. Ltd. v. Pranay Sethi & Ors., (2017) 16 SCC 680, and considering the age group of 26 to 30 years, this Tribunal adopts a multiplier of 17 for the purpose of computing loss of dependency.

[13] Loss of Dependency :-

Considering the law laid down by the Honourable Supreme Court of India in the above referred case, the deceased was 28 years old at

the time of the accident and therefore, for the calculation of prospective income of the deceased, 40% amount of his actual income is added, considering future prospects as per Pranay Sethi (supra), and thus the prospective annual income of the deceased is considered as: Rs.4,49,416/- + 40% of Rs.4,49,416/- (i.e. Rs.1,79,766/-) = Rs.6,29,182/-.

The family unit comprises 4 applicants (wife, minor son, father, and mother) and the deceased, being a total of 5 members. As per the Sarla Verma formula and Pranay Sethi (supra), 1/4th of the annual income is deducted towards personal expenses of the deceased. Therefore, after deducting 1/4th amount from the total annual prospective income of Rs.6,29,182/-, the amount arrived at is: Rs.6,29,182/- x 1/4 = Rs.1,57,295/-; Rs.6,29,182/- – Rs.1,57,295/- = Rs.4,71,887/-. Hence, this Tribunal has taken the final amount for calculating the compensation as Rs.4,71,887/-.

As this Tribunal has determined the multiplier as 17 for calculating the dependency loss, the final dependency loss is: Rs.4,71,887/- X 17 = Rs.80,22,079/-.

[14] Conventional Heads (as per Pranay Sethi, supra) :- The applicants are also entitled for following amount on the ground of conventional heads;

Loss of Estate : Rs.18,150/-

Funeral Expenses : Rs.18,150/-

Loss of Consortium : Rs.1,93,600/-

(Rs.48,400/- each to applicant)

[15] The applicants of MACP No.336/2023 are entitled to compensation under the following heads :-

Amount	Details of compensation
Rs.80,22,079 /-	Dependency loss
Rs.18,150/-	Loss of Estate
Rs.1,93,600/-	Loss of Consortium
Rs.18,150/-	Funeral ceremony.
Rs.82,51,979/-	Total amount of compensation

[16] The amount of compensation shall be apportioned as under;

Applicant No.1, the Wife of the deceased : **50%**

Applicant No.2, the minor Son of the deceased : **10%**

Applicant No.3, the Father of the deceased : **20%**

Applicant No.4, the Mother of the deceased : **20%**

M.A.C.P. No. 46 of 2024 :-

(Property Damage – Total Loss of Vehicle)

[17] In MACP No. 46/2024, applicant has claimed compensation for total loss of Honda City Car No. GJ-27-BL-4361 which was involved in the accident on 28.10.2023. It is noted that Opponent No.4 (insurer of the Honda City Car) has been deleted as per the order below Exh.15, since no own-damage premium was paid in respect of the said car and only third-party liability premium was paid, thereby exempting the insurer of the car from any liability towards property damage.

[18] The applicant has produced the Survey Report (Motor Final Survey Report) at Exh.26 prepared by Ajay Rampal Sharma, Surveyor Loss Assessor (License No. SLA-21475), bearing Ref. No. ARS/TP/011/2023, dated 01.02.2024. The said surveyor has deposed as Witness at Exh.25 and has been cross-examined by the advocate of Opponent No.3. In the said survey report, the surveyor has stated as under:

- (i) The Vehicle in question is Honda City 1.5 VX MT/2017, registered on 10.04.2017, with Registration No. GJ-27-BL-4361, and it met with an accident on 28.10.2023, i.e., said vehicle was nearly six years and six months old on the date of the accident.
- (ii) Assessment on repair itemwise would come to Rs.6,96,310/- (Rupees Six Lakh Ninety Six Thousand Three Hundred Ten Only). The repair expense would be increased after dismantling as engine and transmission are under the line of impact.
- (iii) Present market value of said vehicle would fetch Rs.6,00,000/- (Rupees Six Lakh only). Further, if sold in as-and-where condition, expected salvage value would fetch Rs.1,50,000/- with R.C. Book and subject to quick disposal.
- (iv) Assessment on total loss basis would come to Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand Only).
- (v) Conclusion: In the surveyor's opinion, repairing cost of the said vehicle is not economical

[19] In the cross-examination of the witness Ajay Rampal Sharma (Exh.25), it has been stated by the witness that insurance policy of the vehicle was a Third-Party policy and there was no damage cover, and as per the 2017 model's market value, the total loss would be Rs.4,50,000/- after deducting the salvage value of Rs.1,50,000/- from the present market value of Rs.6,00,000/-. The witness has further stated that he prepared this survey report as per the expert field assignment.

Having perused the survey report at Exh.26 and the deposition of the surveyor at Exh.25, this Tribunal accepts the total loss assessment at Rs.4,50,000/- as assessed by the licensed Surveyor

and Assessor Ajay Rampal Sharma, and accordingly awards the same to the applicant of MACP No. 46/2024.

- [20] The applicant of MACP No. 46/2024 is entitled to compensation under the following head :-

Total Loss of Honda City Car No. GJ-27-BL-4361	Rs.4,50,000/-
Total Compensation	Rs.4,50,000/-

- [21] In the present claim petitions, petitioners have prayed for 18% interest along with costs of the petition but in view of the latest judgments of the Hon'ble Apex Court, **Savitha Vs. Cholamandalam MS General Ins.Co.Ltd. And others reported in 2020 ACJ 2157**, in which Hon'ble Court Apex has held that, the petitioner would be entitled to get interest at rate of 6% per annum, but looking to peculiar circumstances petitioner would be entitled to get interest at the rate of 7% on the amount of compensation, from the date of petition till its realization and as the claim petition has been partly allowed, the petitioner is entitled to get proportionate costs only.

- [22] So far as the point of liability is concerned, it is an undisputed fact that Opponent No.1, Bipinkumar Vitthalbhai Raval, is the driver and Opponent No.2, Natvarbhai Shankarbhai Parmar, is the owner of the offending Truck No. GJ-06-AN-3566, and Opponent No.3, Meghma HDI General Insurance Co. Ltd., is the insurer of the said truck. The insurance policy of the offending vehicle has been produced on record at Exh.40. On perusal of the said policy, it transpires that the policy period is 25/06/2023 to 24/06/2024. The accident occurred on 28.10.2023, and the policy was therefore in force at the time of

the accident. The accident was caused due to the sole negligence on the part of the driver/owner of the offending Truck No. GJ-06-AN-3566. Accordingly, the liability to pay the awarded compensation to the applicants of both the claim petitions shall be fastened upon Opponent Nos. 1, 2 and 3 jointly and severally. As regards MACP No. 46/2024, since Opponent No.4 (insurer of the Honda City Car) stands deleted as per order below Exh.15, the liability to pay the total loss compensation in MACP No. 46/2024 also rests upon Opponent Nos. 1, 2 and 3 jointly and severally. The owner and insurer of the offending truck shall be jointly and severally liable towards the claimants of both the claim petitions. In view of the same, the following order is passed.

:: O R D E R ::

1. The Claim Petition **No.336 of 2023** is partly allowed to the extent of **Rs.82,51,979/- (Rupees Eighty Two Lakh Fifty One Thousand Nine Hundred Seventy-Nine Only)** together with proportionate costs and interest at the rate of 7% per annum from the date of the petition, till its realization.
2. The Claim Petition **No. 46 of 2024** is partly allowed to the extent of **Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand Only)** together with proportionate costs and interest at the rate of 7% per annum from the date of the petition, till its realization.
3. The opponent No.1 and 2 have to pay the aforesaid awarded amounts, jointly and/or severally to petitioners, along with interest and proportionate costs in both the claim petitions within 30 days from the receipt of the judgment and award.

4. The opponents of the claim petition are hereby directed to deposit the said amount by RTGS/NEFT in the account maintained by the District and Session Court, Mahesana.
5. On depositing the aforesaid amount in this Tribunal, the amount of interim compensation, if any paid to the petitioners of both cases, be deducted.
6. The Office is directed to deduct requisite court-fees before the petitioners are permitted to withdraw the amount of compensation, unless the petitioner produces certificate in terms of court-fee relaxation.
7. In the case of MACP No. 336/2023, out of total compensation amount comes in the share of respective applicants of both claim petitions, 30% amount shall be paid by way of account payee cheque to petitioners and remaining 70% amount shall be invested in fixed deposit in the respective names of claimants for a period of five years with any Nationalized Bank of choice of petitioners. Total amount comes in share of minor applicant No.2, shall be invested in fixed deposit in the name of his guardian mother i.e. applicant No.1 for a period of five years or he attain majority whatever comes later.

As regards the amount awarded in MACP No. 46/2024 (property damage), the entire awarded amount shall be released to the applicant by account-payee cheque / RTGS / NEFT on proper verification, without any direction for Fixed Deposit, as the claim pertains to property damage to a motor vehicle and no protective order is required.

8. Petitioner shall be entitled to withdraw periodical interest on the above said FDRs, which shall accrue from time to time,

however petitioner shall not be entitled to encase the FDR without prior permission of this Tribunal.

9. Necessary intimation be given by letter to concerned Bank with direction to the Bank not to flow any loan or credits over the above said FDR.
10. Opponents to bear their own costs.
11. Award be drawn accordingly.
12. Copy of this Judgment be exhibited and kept in M.A.C.P. No. 46/2024.

Pronounced in open court on 02nd Day of April, 2026.

Date : 02-04-2026.

Place : Mahesana.

[Amrish Laljibhai Vyas]
Principal District Judge &
Motor Accident Claim Tribunal
(Main), Mahesana.
Code No. GJ00508.