

ORDER BELOW EXH.1

1. Applicants have filed present application for the withdrawal amount u/s 169 of M.V.Act in connection with award passed in M.A.C.P. No.376/2005 dated 19/8/2017.
2. After filling the application, the Tribunal passed an order to direct Nazir to verify and report & also called for R & P and also ordered to concerned office to verify about the order if, any passed by the higher court in the main matter.
3. Nazir has made endorsement below Exh.1 that total amount Rs.7,00,892/- was deposited. Moreover, concerned clerk has also put there an endorsement regarding that an appeal has been filed against the order of the tribunal before the Hon'ble Gujarat High Court vide R/First Appeal No.4085/2017.
4. Ld.Advocate of the applicants has argued as per application and Ld.Advocate of Opponent – Insurance Company has made an endorsement regarding 'No Objection' to disburse amount as per the order of Hon'ble High Court. R & P of main matter also kept with this application. Perusing the whole record of this application, it transpires that applicants have preferred present application for the withdrawal amount deposited by the insurance company. Appeal filed by the Insurance Company i.e. R/First Appeal No.4085/2017 was disposed on 3/2/2026, in which Hon'ble High Court has dismissed the appeal on the ground of smallness of amount and also ordered that the entire award amount be disbursed and released in favour of claimant/s after due verification by transferring said amount/s to the

account/s of claimant/s by RTGS/NEFT, whereas other side has no objection for payment made to the applicants, the application is required to be allowed. Hence, the following order is passed.

-:: O R D E R ::-

1. Misc. M.A.C.P. No.111/2026 to withdraw the amount u/s 166 of M.V.Act in M.A.C.P. No.376/2005 is hereby allowed.

2. No disbursement order was passed at the time of disposed of MACP No.376/2005 and at that time applicant no.1 was alive. But during the pendency, applicant no.1 was died, copy of death certificate produced at Mark-3/4. Therefore, it is the duty of tribunal to disburse deposited awarded amount between applicants no.1 to 4. The entire awarded amount shall be disbursed to the applicants no.1 to 4 in 20:20:40:20 ratio respectively. But as discussed above, applicant no.1 was died, therefore, applicant no.1's share amount shall be disbursed to the applicants no.2 to 4 in **28:46:26 ratio respectively**.

2. The deficit court fees, if any, be recovered from the awarded amount.

3. As per the direction of the Hon'ble High Court, the entire awarded amount be disbursed and released in favour of claimant **no.2 to 4** by transferring said amount to the account of claimants by RTGS or NEFT in their respective bank account after due verification.

Pronounced and signed today in open Court.

Dated:20/04/2026

Place:Patan

VSS

(Mahammadirfan A. Shaikh)

Judge, MACT[Auxi.], Patan

U.I.Code No.GJ00892