

ORDER BELOW EXH.1

(1) Applicants have filed present application for the withdrawal amount u/s 169 of the M.V.Act in connection with award passed in M.A.C.P. No.18/2021 dated 29/04/2025.

(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 **Rs.15,85,054/- (Rs.Fifteen Lacs Eighty Five Thousand Fifty Four Only)** is deposited. Moreover, concerned clerk has also put there an endorsement regarding that no appeal is filed against the order of the tribunal before the Hon'ble Gujarat High Court. Moreover, Ld.Advocate of the applicant has argued as per his application and Ld.Advocate of Opponent–Insurance Company has made endorsement regarding 'No Objection'. R & P of main matter also kept with this application. Perusing the whole record of this application, it transpires that applicants have filed present application for the withdrawal amount deposited by the insurance company. As other side has no objection for payment made to the applicants. In MACP No.18/2021, in which order of distribution was not passed, therefore, the deposited awarded amount shall be disbursed between the applicants no.1 to 4 in **40:30:20:10 ratio respectively**. Further, applicants have stated that the applicant no.3 has died on 1/9/2024 while the applicant no.4 has left home without informing anyone. Therefore, his share amount has not been made. Therefore, 20% share amount of applicant no.3 is

ordered to divide between applicant no.1, 2 & 4, in 5:5:10 ratio respectively to them. Now, applicant no.1, 2 & 4 will be entitled for **45:35:20** ratio from compensation amount. Present application has been filed by applicants no.1 & 2 only to get deposited compensation amount. Therefore, considering the aforesaid discussion. The application is required to be allowed with suitable conditions. Hence, the following order is passed.

-:: ORDER ::-

1. Misc. M.A.C.P. No.747/2025 to withdraw the amount u/s 166 of M.V.Act in M.A.C.P. No.18/2021 is hereby partly allowed.
2. The deficit court fees, if any, be recovered from the awarded amount. The deposited awarded amount shall be disbursed to applicants no.1 & 2 in **45:35 ratio respectively**.
3. Out of the amount coming to the share of the applicant no.1, 30% of the amount of compensation with interest till date be paid to the applicant no.1 through NEFT/RTGS in her bank account after due verification and remaining 70% of the amount of compensation with interest till date be invested in any nationalized Bank in the Fixed Deposit Scheme/plan for the period of Five (5) years in the name of applicant no.1.
4. The entire amount coming to the shares of minor applicant No.2 be invested in any nationalized Bank in the Fixed Deposit Scheme/plan for the period of Five (5) years or till the age of majority whichever is later in the name of minor through his natural guardian/friend i.e. applicant No.1.

5. The period of Fixed Deposit shall be 5 years.
6. The Order of Fixed Deposit shall subject to following conditions:

: CONDITIONS:

1. The concerned Bank is directed not to grant any loan, advances or withdrawal against the said FDRs as well as the concerned bank shall not given duplicate fixed deposit receipt without obtaining prior permission of this Tribunal.
2. However, at the end of the time limit, the concerned bank can pay the amount of FDR to the applicant in the absence of the clear order of the Tribunal.
3. The applicants will be at liberty to withdraw the periodical interest accrued on the said FDR.

Pronounced and signed today in open Court.

Date : 20/03/2026
Place:Patan

(Mahammadirfan A. Shaikh)
Judge, MACT [Auxi.IV], Patan
U.I.Code No.GJ00892

VSS