

AWARD
BEFORE THE MOTOR ACCIDENT CLAIMS
TRIBUNAL (AUXI) AT. JETPUR

M. A. C. P. NO. 79/2019
EXHIBIT NO - 37

M.A.C.P NO. 79 of 2019

Legal Heirs of deceased Najbhai Ravatbhai Basiya, Applicant....
Induben Najbhai Basiya,
Age 49, Hindu, Occu. Housemaker,
Residing at
Chaprajpur, Jetpur.

VERSUS

Tractor (loader) No. GJ-11-M-5123

- | | |
|---|--------------------------------|
| <p>1. Owner:- Hareshbhai Nathabhai Bheda,
R/o :- Kotadiyavadi Satyampark Jetpur</p> <p>2. Owner:- Vishwasbhai Ghanshyambhai Padsada,
R/o :- Dhobagam, Tal Savarkundla, Amreli</p> | <p><u>Opponents</u></p> |
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M.A.C. PETITION TO GET COMPENSATION OF Rs 20,00,000/-

DATE OF INSTITUTION : 16/04/2019
DATE OF DISPOSAL : 01/03/2024

APPEARANCE

For Claimants	Ld.Advocate Mr R.V.Parekh,
For Opponent No. 1	None appears
For Opponent No. 2	None appears

This claim coming on this day for final disposal before Mr. L. G. Chudasama M.A.C.T.(Auxi.) Jetpur in the presence of For Claimants Ld.Advocate Mr R.V.Parekh, S.R.Parekh, For Opponent No. 1 & 2 None appears, is ordered and decreed that.

FINAL ORDER

- [1] The present motor accident claim petition is hereby partly allowed.
- [2] The Claimant of the MACP No. 79 of 2019 is entitled to recover the amount of **4,33,000/- [Rupees Four Lakhs Thirty Three Thousand Hundred Ninty Six Only]** as compensation award with interest at the rate 9% p.a. from the date of this claim petitions till its realization with proportionrate cost from the opponent.
- [3] Out of the total amount inclusive of interest and costs when deposited after deducting necessary court-fee and the amount if already paid under “No Fault Liability” and thereafter, the remaining be padi to claimant from this amount 60% to be invested 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 applicant may withdraw the periodical interest paid to the applicant by the bank that may have accrued on the F.D.R. The remaining 40% of the amount be paid to the claimnant through Account payee cheque in his or her name after due verification.
- [4] The Opponents do pay cost of the applicant and also bear that of their own.
- [5] The opponents shound follow and comply with the direction and guidelines, laid down relating to liability of income-tax by the Hon’ble Gujarat High Court in the Judgement reported in **2007 A.C.J. 37, in the case of Hansa Gauri Prafulchandra Ladhani v/s The Oriental Insurance Co.Ltd.**

That the sum of Rs **10,843-00** be paid by the opponents to the claimant on account of the costs of this suit. With interest

thereon at the rate of – percent, per annum from this date to date of realization.

MEMO OF COSTS

NO.	Particulars	Applicants	Opponents
		Rs. Ps.	Rs. Ps.
1.	Court Fees Rs (4,33,000/-)	6700-00	-----
2.	Stamp of vakilat nama	3-00	3-00
3.	Advocate Fees	4140-00	4140-00
4.	Process Fees	00-00	-----
	Total	10843-00	4143-00

Deficit of Court Fees **Rs. 6700-00/-** be recovered from the applicant.

Dated this on 13th day of March 2024 given under my hand and seal of this tribunal.

Prepared by

Checked By

Assistant

Registrar

(L. G. Chudasama)
M.A.C.T.(AUXI)
Rajkot at Jetpur.