

GJRJ220009582025



RECEIVED ON : 25-11-2025

REGISTERED ON : 25-11-2025

DECIDED ON : 11-03-2026

DURATION : Y. M. D

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(AUXI.) & 3rd ADDL. DISTRICT JUDGE, RAJKOT AT
DHORAJI.**

MAC PETITION NO.75 of 2025

Exh. No.

1. Damjibhai Govindbhai @ Govihbhai Gohel,

Aged:63 years, Occ. : None at present,

R/o. Shantinagar, Near Talav,

Vadodar, Tal. Dhoraji, Dist. Rajkot.

...Claimant

VERSUS

**Owner of the S.T. Bus Bearing Registration No. GJ-18-ZT-
2119**

1. Depot Manager Shri,

Gujarat State Road Transport Corporation,

Dhoraji.

...Opponent

=====

Appearance:

Mr. M. M. Patel, Learned Advocate for the Claimant.

Mr. J. K. Vyas, Learned Advocate for the Opponent.

//JUDGEMENT//

- 1] The claimant has filed the present petition against the opponent, under Section 164 of the Motor Vehicles Act, 1988 (hereinafter referred to as M. V. Act), for claiming compensation of Rs.2,50,000/- on account of injuries sustained by him because of motor vehicular accident taken place on 08.11.2025.
- 2] Brief facts of this case are that the accident in question had occurred out of the use of vehicle no. GJ-18-ZT-2119, which occurred on 08.11.2025, at about 06:30 P.M., on the road leading towards Jamnawad village after the Dhoraji - Junagadh road railway gate, and due to this accident, the claimant had sustained serious injuries which resulted in partial permanent disablement in his body. Therefore, the claimant has filed this claim petition to get compensation to the tune of Rs.2,50,000/- as per the provisions of Section 164 of the M. V. Act.
- 3] The Opponent No.1 i.e. Gujarat State Road Transport Corporation (GSRTC) has remained present through its Ld. Advocate and filed written statement at Exh.14 *inter-alia* denying all the averments made by the claimant in his claim petition. It is denied that accident took place because of sole negligence of the driver of the Bus. The Insurance Company has also denied all the facts of the present claim petition, the date, time and place of the

accident, the averments regarding age, occupation, income and nature of injuries sustained by the claimant. By raising such contentions, the opponent has prayed for dismissal of the present application.

4] This Hon'ble Tribunal had framed following issues at Exh.15 for the determination of the present claim petition:-

i) Whether it is proved that the injured sustained injuries on account of the vehicle involved in the accident?

ii) Whether the claimant is entitled to by way of compensation?

(iii) What order and award?

5] Before ascribing the reasons for arriving at the findings on above issues, the evidence produced and relied upon by the parties is mentioned as under:

//ORAL EVIDENCE//

Sr. No.	Particulars of document.	Exh. No.
1.	Examination-in-Chief in form of Affidavit of claimant.	Exh.17

//DOCUMENTARY EVIDENCE//

Sr. No.	Particulars of document	Exh.No.
1.	Copy of M.L.C	Exh.20
2.	Copy of original complaint report	Exh.21
3.	Copy of report for registering the offense	Exh.22
4.	Copy of the investigation depute order	Exh.23

5.	Copy of the F.I.R.	Exh.24
6.	Copy of panchnama of spot	Exh.25
7.	Copy of the accused's identification mark form	Exh.26
8.	Copy of the notice and acknowledgment given to the accused as per BNSS-2023 Sec.35(3)	Exh.27
9.	Copy of the accused's vehicle documents	Exh.28
10.	Copy of the statement of Damjibhai Govindbhai Gohel	Exh.29
11.	Medical certificate of the witnesses	Exh.30

- 6] I have heard submissions of Learned Advocates for the concerned parties. Over and above oral arguments, the Learned Advocate for the claimant has orally argued the matter. He has argued that in view of the provision of section 164 of the M.V Act, the claimant may be entitled for a sum of Rs.2,50,000/-. On the other side, Learned Advocate for the opponent has submitted written arguments at Exh.35.

// REASONS //

- 7] **Section 164. Payment of compensation in case of death or grievous hurt, etc.**

[Payment of compensation in case of death or grievous hurt, etc. --

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.

It is settled proposition of law that application under section 164 of the Motor Vehicles Act is a substantive application and award passed on the basis of such application is final. Sub-section 2 of 164 of the Act provides that in any claim for compensation under sub-section (1), the applicant shall not be required to plead or establish that death or grievous hurt in respect of which claim has been made was due to any wrongful act or negligence or default of the owner of the vehicle. The involvement of the vehicle is required to be established.

Now, if we peruse this provision, accident is required to occur out of use of motor vehicle. Only involvement of the vehicle is sufficient in this case.

8] **(Involvement of vehicle):-**

In order to succeed in claim petition under section 164 of the M.V. Act, the applicant has to prove and establish that the ST BUS Bearing Registration No. GJ-18-ZT-2119 was involved in the so called accident. In present case, the claimant has produced the copy of FIR

No.11213095250484 at Exh.24, The FIR (Exh.24) and the Original Complaint (Exh.21) categorically state that the bus veered off the diversion road and turned turtle into a gutter/canal. Furthermore, the FIR mentions that the injured was travelling in the bus when the driver lost control of the steering, collided with the diversion, and caused the bus to veer off into the canal and turn turtle, a fact further corroborated by the spot **Panchnama Exh. 25)** which confirms the final resting position of the vehicle.

The **Claimant's Statement (Exh.29)** provides a direct causal nexus between the mechanical impact of the bus and the resulting trauma, clarifying that the Turn-Turtle caused co-passengers to fall upon the claimant, leading to the injuries documented in the **MLC (Exh. 20)**. Since Section 164 operates on the principle of **strict liability**, the established fact that the bus was in active transit and met with an accident is sufficient to prove the **material involvement of the vehicle**. The evidence of the claimant is cogent and reliable. The opponent has not produced any clear or cogent evidence to rebut the evidence of the claimant and no any contradictory evidence has come on record before this Tribunal.

Therefore, from the documents produced before this Tribunal, it is clear that the said accident had occurred out of the use of the ST Bus Bearing Registration No. GJ-18-ZT-2119. Furthermore, The Investigating Officer (I.O.) has

recorded statements from witnesses who categorically confirm that the accused driver lost control of the vehicle, leading to the bus overturning. This establishes a direct **nexus** between the 'use of the motor vehicle' and the resulting accident.

Hence, from the oral and as well documentary evidence which had come on record before this tribunal, the involvement of the ST Bus Bearing Registration No.GJ-18-ZT-2119 is proved in the said accident. Therefore, I answer the issue no.1 accordingly.

9] **QUANTUM :-**

Before assigning reasons, it would be apposite to quote amended Section of 163-A as Section 164 of the Motor Vehicles(Amendment) Act, 1988;

164. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub- Section (1), the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has

been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.

10] In the present claim petition, as discussed above, said accident had occurred out of the use of ST Bus Bearing Registration No. GJ-18-Z-2119 and no any contradictory evidence has come on record before this Tribunal

11] Section 164(1) states that: (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, **the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.**

In the present case, from the documents at Exh.30 produced on records, it is apparent that the claimant sustained – Blunt injury over Left Shoulder due to the accident occurred out of use of the ST Bus Bearing Registration No.GJ-18-ZT-2119 and hence, considering the

provisions made in Section 164(1) it is just and proper to award Rs.2,50,000/- to claimant of the present claim petition.

- 12] Hence, in view of the above discussions, the claimant is entitled to get **Rs.2,50,000/-** as total amount of compensation which is just and reasonable amount and hence, the same is awarded.

<u>Award details are as under:</u>		
1.	Compensation	Rs.2,50,000/-
	Total Amount of Compensation	Rs.2,50,000/-.

- 13] As discussed above, it is held that the ST Bus Bearing Registration No.GJ-18-ZT-2119 was involved in the present accident and as per Exh.28, the opponent no.1 i.e. GSRTC is liable to pay the amount of compensation to the claimant with interest at the rate of 9% per annum from the date of filing of the claim petition till its realization. Hence, Issue No.2 is answered accordingly and for issue No. 3 following order is passed.

// ORDER //

- 1] The claim petition is hereby allowed with costs.
- 2] The claimant is entitled to recover the amount of compensation of **Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only)** from the opponent with interest at the rate of 9% per-annum from the date of the claim petition till realization.

- 3] The Opponents No.1 is hereby directed to deposit the above amount of award in the office of this Tribunal or in the account maintained at **SBI Main Branch, Dhoraji** by the Tribunal in the name of **"ADDITIONAL DISTRICT JUDGE DHORAJI-(GUJ STATE GOVT ACCT AMDA), Account No. 34956165769- IFSC SBIN0060072"** after deducting the amount of interim compensation, within 30 days from the date of this order and intimate the Tribunal to that effect on e-mail address of the Tribunal
- 4] The deficit amount of court fees shall be recovered first as per decision reported in **2017(2) GLR-1261**.
- 5] After the amount is deposited by the opponents in the Tribunal, 40% amount be paid to claimant by Account Payee cheque only after proper verification and identification in all respects and remaining 60% amount| be invested in the Fixed Deposit in any Nationalized bank in the name of claimant for a period of five years. The investment of the claimant shall carry the following terms and conditions:
 - 1] Interest on the Fixed Deposit investment as and when becomes due shall be paid to the claimant.
 - 2] No loan, overdraft or advance known by any other name or nomenclature shall be made available on the said FDR and the bank shall not allow any encumbrance on the said F.D.R.
- 6] The Opponent should follow and comply with the directions and guidelines, laid down, relating to liability

of Income-Tax, by the Hon'ble Gujarat High Court, in the case of **Hansa Gauri Prafulchandra Ladhani vs. The Oriental Insurance Co. Ltd. (2007 A.C.J. 1897).**

- 7] Award to be drawn accordingly. An authenticated copy of the award be sent to the opponent through e-mail.

Signed and Pronounced in the open Tribunal today on this 11th day of March, 2026 at Dhoraji

DHORAJI [ALIHUSEN MOHIBULLAH SHAIKH]

DATE :11/03/2026

MACT (AUX)

RAJKOT AT DHORAJI

UIC No. GJ00521