

GJSK010010572022



ORIGINAL AWARD

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(MAIN) AT SABARKANTHA @ HIMMATNAGAR.**

MAC PETITION No. 50/2022.

Exh : 80.

Applicant : Devabhai Dhulabhai Patel,
Age: About 52 years, Occupation: Service and
Agriculture, Resi. Of: Nikoda,
Taluka: Himmatnagar, Dist: Sabarkantha.

V / s.

Opponents: (1) Driver- cum-Owner of
Eeco Car No. GJ - 21 - CA - 9487
(RC Book Holder):
Jayeshbhai Natubhai Vaghri (Devi
Pujak),
Resi. Of: Piplawalu Faliyu, At:
Kathwada,
Taluka: Talod, Dist. Sabarkantha.

(2) Owner of Eeco Car No. GJ - 21 - CA -
9487
(Insurance Policy Holder):
Babubhai Bhangiyabhai Patel,
Resi. Of: Pir Maholla, At: Vegam,
Taluka: Gandevi, Dist. Navsari.

(3) Insurance Company of

Eeco Car No. GJ-21-CA-9487:

HDFC Ergo General Insurance Co.

Ltd.,

Off: First Floor, Sun Complex, Near

Citi Bank, Gotri Road, Alkapuri,

Baroda – 310007.

Claim of Rs. 10,00,000/-

This application was presented on : 14.06.2022

This application was registered on : 14.06.2022

The brief facts of the petition :-

The present petition filed under Section 166 of Motor Vehicles Act, 1988 with amendments made time to time, seek to award compensation as regards the injuries sustained by the applicant in the vehicular accident to the tune of Rs. 10,00,000/- (Rupees ten lakh only).

The description of the happenings goes that on 28th February, 2022, the applicant was going home after completing his service by driving his motorcycle bearing registration No. GJ-9-DB-5760 on Himmatnagar to Ranasan road. The applicant was driving his said motorcycle at moderate speed and on the correct side of the road. When the applicant herein reached the Akodara crossroads, at about 4:30 p.m., the Eeco car bearing registration No. GJ-21-CA-9487 driven by the opponent No. 1 herein rashly and negligently came from the opposite side, that is, Ranasan side and therefore, he lost control over his car and dashed with the motorcycle of the applicant herein. This is how the vehicular accident took place. On account of the vehicular accident, the applicant sustained serious injuries including fractures and other

multiple injuries resulting into disabilities which need to be compensated by way of award under various heads and in all to the tune of Rs. 10,00,000/-.

This Claim Petition came up for Final hearing and Disposal before Mr. K. R. Rabari, M. A. C. Tribunal (Main) S.K. @ Himmatnagar. After the due Inquiry in Petition and after Hearing Learn Advocate Mr. V. M. Darji, for petitioners, Mr. G. H. Parmar, Learned Advocate for Opponent No. 1, Opponent No. 2 appeared in person and Mr. C. Y. Bhatt, Learned Advocate for Opponent No. 3. The Tribunal has passed the judgment and order in following Manner.

:: ORDER ::

- The present claim application stands **partly allowed** against the opponent No. 1, opponent No. 2 and opponent No. 3 herein, that is, driver-cum-owner as per the RC Book, Insurance Policy holder and Insurance Company of Eeco car bearing registration No. GJ-21-CA-9487 respectively.
- The opponent No. 1, opponent No. 2 and opponent No. 3 herein are jointly and severally held liable to make loss good to the extent stated in the decision and accordingly, ordered to pay to the tune of **Rs. 7,45,399/- (Rupees seven lakh forty five thousand three hundred and ninety nine only)** to the petitioner by way of compensation together with proportionate costs and interest at the rate of 9% per annum from filing the claim petition to realization of the said amount.

- The opponent No. 1, opponent No. 2 and opponent No. 3 herein are hereby directed to comply with the provisions of Section 194A of the Income-tax Act and deposit the aforesaid amount of award after deducting the amount of interim compensation, if any, paid under Section 140 of the MV Act, directly by RTGS or NEFT to the following Bank Account of this Tribunal within 30 days from the date of this order;

Account Name	Motor Accident Claims Tribunal, Sabarkantha at Himatnagar.
Account No.	43163682045
Name of Bank	State Bank of India
Name of Branch	Opp. Civil Hospital, Himmatnagar
IFSC Code	SBIN0000381
Email Address	nazirmacthmt@gmail.com

- The opponent No. 1, opponent No. 2 and opponent No. 3 herein shall instruct their Banks to remit the payment with the following information:

MACP No.	
Claims Tribunal Name, Place	
Date of Award	
Compensation Amount	
Income-tax Deducted at Source	
Bank Transaction Reference No./ Unique Transaction Reference (UTR) No.	
Name of Bank	
Name of Insurance Co.	

- On such deposit being made, the opponents shall submit a letter to the office of the Claims Tribunal enclosing a copy

of the bank advice in the prescribed format as above at the earliest by email on nazirmacthmt@gmail.com and shall also send a copy of the aforesaid payment advice to the Claims Tribunal concerned and serve a copy of the same on the applicants or their advocate as the case may be.

- Insofar as tax deduction at source is concerned, Form 16-A of the Income-tax Act should be provided to the applicants on whose behalf the deduction has been made so as to enable them to seek refund of the tax deducted.
- Deficit Court fees, if any, be recovered from the awarded amount.
- On realization of the amount and after above deductions, 30% amount shall be paid by NEFT or RTGS directly in the bank account of each of the two applicants after due verification and the remaining 70% amount shall be deposited in any Nationalized Bank for a period of 5 years in FDR in the name of each of the two applicants with a liberty to get periodical interest against the FDR, but the applicants herein shall not raise any advance/loan without prior permission of this Tribunal.
- Cost shall follow the event.

// Bill of Cost //

Sr. No.	Particulars	Cost of Applicant /s	Cost of Opponents
1	Stamp on Application	12300=00	00=00
2	Stamp on Vakilatnama	10=00	10=00
3	Process Fees.	00=00	00=00
4	Other	10=00	00=00

5	Advocate Fees	6975=00	6975=00
Total :-		19295=00	6985=00
:: Cost Not Allowed ::			
1	Stamp on Application	2500=00	00=00
2	Advocate Fees on Rs. 7,45,399/-	1273=00	1273=00
Total :-		3773=00	1273=00
NET AMOUNT :-		15522=00	5712=00

Pronounced in the open court on this 12th day of March, 2026 under my hand and seal.

Award (M. M. Solanki)

Drawn by: Assistant

sd/-

(K. R. Rabari)

Chairman

M. A. C. Tribunal (Main)

Sabarkantha @ Himmatnagar

Unique ID : GJ00477.

Award (C. P. Chaudhari)

Comp. by: Dy. Registrar

Note:-Rs.3650=00(Rupees Three thousand six hundred fifty only) be recovered from the applicants towards deficit Court fees stamp.

Applicant's Advocate

Opponent's Advocate