

GJSK010013232022



**ORIGINAL AWARD**

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

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**MAC PETITION No. 71/2022.**

**Exh : 65.**

Applicant : Rajeshkumar Vinodbhai Makvana,  
Age: About 43 years, Occupation: Supervisor  
at Shri Mahakali Developers Firm,  
Resi. Of:At & Post: Ilol, Taluka:  
Himmatnagar, District: Sabarkantha.

V / s.

Opponents: (1) Driver-cum- Owner of  
Chevrolet Spark Car No. GJ-9-AG-  
1735:  
Mukta, D/o Radhakishan Tandan,  
Age: About 45 Years, Occupation:  
Insurance,  
Resi. Of: Baleli Mill, B/h Durga Bazaar,  
Himmatnagar, Dist.: Sabarkantha.

(2) Owner of Chevrolet Spark Car No.  
GJ-9-AG-1735:  
Mayank Radhakishan Tandan,  
Age: About 46 Years, Occupation:  
Business,  
Resi. Of: Baleli Mill, B/h Durga Bazaar,

Himmatnagar, Dist.: Sabarkantha.  
Present Resi. Of: D-42, Umiyanagar  
Society,  
Berna Road, Mahavirnagar,  
Himmatnagar, Dist.: Sabarkantha

- (3) Insurance Company of  
Chevrolet Spark Car No. GJ-9-AG-  
1735:  
SBI General Insurance Co. Ltd.,  
Jay Shri Ambika Chambers, Second  
Floor,  
Near CU Shah Collage, Navyug  
Colony, Ashram Road, Ahmedabad.

**Claim of Rs. 6,00,000/-**

This application was presented on : 19.07.2022

This application was registered on : 19.07.2022

**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 injuries being sustained in the vehicular accident to the tune of Rs. 6,00,000/- (Rupees six lakh only).

The description of the happenings goes that on 14<sup>th</sup> March, 2022, the applicant herein was standing with his motorcycle bearing registration No. GJ-18-AP-4648 beside the road at Panch Batti to return to his office situated at Prabhu Plaza, By-pass road in Himmatnagar after completing his office work. At that time, at about 3:30 p.m., the opponent No. 1 came by driving her

Chevrolet Spark car bearing registration No. GJ-9-AG-1735 from Durga Bazaar rashly and negligently and knocked down the motorcycle of the applicant and caused the alleged accident. Consequently, the applicant fell down on the road, sustained fracture injuries in his right leg and other multiple injuries over his person resulting into disabilities which need to be compensated by way of award under various heads and in all to the tune of Rs. 6,00,000/-.

**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. J. V. Vankar, for petitioners, Mr. Y. N. Doshi Learned Advocate for the opponent No. 1 and 2 and Mr. A. D. Patel, Learned Advocate for the Opponent No. 3. The Tribunal has passed the judgment and order in following Manner.**

**:: O R D E R ::**

- The present claim application stands **partly allowed**.
- The opponent No. 1, opponent No. 2 and opponent No. 3 herein, that is, driver, owner and Insurance Company of Chevrolet Spark Car bearing registration No. GJ-9-AG-1735 respectively, 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. 2,34,918/- (Rupees two lakh thirty four thousand nine hundred and eighteen 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 to 3 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	<a href="mailto:nazirmacthmt@gmail.com">nazirmacthmt@gmail.com</a>

- The opponent No. 1 to 3 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](mailto: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	8300=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	4975=00	4975=00
<b>Total :-</b>		<b>13295=00</b>	<b>4985=00</b>

<b>:: Cost Not Allowed ::</b>			
1	Stamp on Application	3600=00	00=00
2	Advocate Fees on Rs. 2,34,918/-	1825=00	1825=00
<b>Total :-</b>		<b>5425=00</b>	<b>1825=00</b>
<b>NET AMOUNT :-</b>		<b>7870=00</b>	<b>3160=00</b>

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

Award ( M. M. Solanki )  
Drawn by: Assistant

sd/-  
( K. R. Rabari )  
Chairman

Award ( C. P. Chaudhari )  
Comp. by: Dy. Registrar

M. A. C. Tribunal (Main)  
Sabarkantha @ Himmatnagar  
Unique ID : GJ00477.

**Note:-Rs.550=00(Rupees Five hundred fifty only) be recovered from the applicants towards deficit Court fees stamp.**

Applicant's Advocate

Opponent's Advocate