


GJSK010021942025 	Presented on	:	16.10.2025		
	Registered on	:	16.10.2025		
	Decided on	:	<b>18.03.2026</b>		
	Duration	:	<b>00</b>	<b>05</b>	<b>02</b>
			Years	Months	Days

**MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN)  
SABARKANTHA AT HIMMATNAGAR**

**Exhibit \_\_\_\_\_**

**MAC Execution Petition No. 24/2025**

**Applicants / Decree Holder:**

**LR's of deceased Lekhabhai Makvana:**

(1) Savitaben D/o Govabhai Makvana W/o Ramanbhai Vaghela, Age: About 59 Years, Resi. of: Somnath Society, Mahakali Mandir Road, Saivila Society Same, Himmatnagar.

Taluka : Himmatnagar, District: Sabarkantha

(2) Ramilaben D/o Govabhai Makvana w/o Bharatbhai Parmar, Age : 56 years

(3) Ishwarbhai Govabhai Makvana (Bhambhi), Age: 55 years, Resi. of: Sundargadh,

Taluka : Himmatnagar, District : Sabarkantha

**V E R S U S**

**Opponents / Judgment Debtor:**

**(1) Gautambhai Amratbhai Prajapati**

Resi. Of: Nava, Taluka : Himmatnagar,

District : Sabarkantha

**(2) Kapilkumar Bhagvandas Patel**

Resi. Of: Amarpark Krishannagar,

Mahavirnagar, Taluka : Himmatnagar,

District : Sabarkantha

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**Appearance:**

Mr. M.A. Barot, Learned Advocate for the Applicants/DH

Mr. G.A Prajapati, Learned Advocate for the opponents/JD  
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**:: J U D G M E N T ::**

01. The present Execution Petition has been filed by the applicants/decreed holder herein against the opponents/judgment debtor herein for the recovery of compensation amount.
02. Regard being had to say of the learned advocate for the applicants herein and regard being had to the provisions made in the form of Section 174 of the Motor Vehicles Act, 1988 and time to time amendment carried out therein, it appears that the award which is passed by the learned Tribunal is awaiting the execution thereof. As a part of such execution process, the applicants herein who are entitled to have the awarded money recovered have made the present application with a request that they are asking for the certificate under Section 174 of the Motor Vehicles Act, 1988 to be issued in the name of Mr. Collector for recovery of execution amount which may be recovered as though it is land revenue.
03. As against this, the judgment-debtor did not find it fit to

appear before the present Tribunal either in person or through his learned advocate or to make any reply to the said application and thus, no point is made out as to why the certificate should not be issued in favour of judgment-creditors and against the judgment-debtor.

- 04.** Having regard to the say of the applicants herein, it is very much necessary in the interest of justice to look at what the mandate of Section 174 of the Motor Vehicles Act, 1988.

The said Section lays itself bare in following terms;

*“174. Recovery of money from insurer as arrear of land revenue. - Where any amount is due from any person under an award, the Claim Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.”*

- 05.** The dissection of that Section would reveal very interesting aspect in terms of its title and Section itself. The title speaks about recovery of money from insurer as arrear of land revenue, whereas the phrase in the Section goes “due from any person under an award.” This phrase is the real crux of the Section. Simple reading of this phrase would reveal that amount should be due from any person under an award. This phrase embodies all the persons who owe the amount to the judgment-creditor or judgment-holder. The words “any persons” have been supplemented by “due from”. This “due from” is playing a role of adjective. These words are operating as adjective and adding further substance to “any

person”. The meaning to the effect that “any person” includes all the person from whom the judgment-holder or judgment-creditor may recover the money. Of course in this proceeding, the insurer is not there, but definitely presents the person from whom amount is due under the award and that person is the judgment-debtor. This includes the owner/driver. Both of them either singularly or plurally are liable to satisfy the award in question since, their corresponding duty springs from the mandate of right to have just compensation on the part of the claimants herein. The fortification of that duty flows from the legal duty and that becomes choate through the award of the Tribunal. That award remains unexecuted, though several opportunities were made available to the judgment-debtor for satisfying the same. In the full knowledge of the judgment-debtor, this award remains unsatisfied and this conduct on the part of judgment- debtor indicates that he is not willing to satisfy the award in question. One of the modes of satisfying the award/decreed is none other than the mode provided in Section 174 of the Motor Vehicles Act, 1988. The mandate of that Section goes that the Claims Tribunal may, on an application made to it by the person entitled to the amount of the award, issue a certificate for the amount to the Collector and the Collector is bound to proceed to recover the same in the same manner as an arrear of land revenue. The demand of the judgment-creditors seems to be falling within the ambit of all the parameters of Section 174 of the Motor Vehicles Act, 1988 and consequently, the following

final order is passed;

**FINAL ORDER**

- The present application stands granted.
- The office is directed to issue the certificate in terms of Section 174 of the Motor Vehicles Act, 1988 as well as to send it to Mr. Collector, Sabarkantha at Himmatnagar with a covering letter.

**The order is pronounced in the open Court on 18<sup>th</sup> day of March, 2025 under my hand and seal.**

Date: 18/03/2026  
Place: Himmatnagar

**(Kanubhai R. Rabari)**  
Chairman  
MAC Tribunal (Main)  
Sabarkantha at Himmatnagar  
UIC No. GJ00477

Pramod S. Goyal\*\*\*

