

-: AWARD :-
IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL(AUXI.)
AT DHRANGADHRA

M.A.C.P.No. 29/2023

EXH.NO.53

Claimants:

Age Occupation

**Legal heirs of deceased Jaydevbhai
Ashokbhai Baraiya**

- | | | | |
|----|-----------------------------|----|-----------|
| 1] | Shilpaben Ashokbhai Baraiya | 40 | Household |
| 2] | Rahulbhai Ashokbhai Baraiya | 18 | Studying |
| 3] | Pujaben Ashokbhai Baraiya | 18 | Studying |

All Permanent R/o. Fulvadi, Viramgaam,
At Present R/o. Bavli, Ta. Dhrangadhra,
Dist. Surendranagar.

V/s.

Opponents:

**Driver, Owner & Insurer of MG Hector Car
No. GJ-01-WL-1363**

- | | | | |
|----|---|-------|----------------------|
| 1] | Dineshbhai Dipakbhai Shah
R/o. 16, Ajit Society, Nr. Mahalaxmi Crossing
Road, Paldi, Ahmedabad. | Adult | Driver-cum-
Owner |
| 2] | The New India Insurance Company
At: Mega Mall, 2nd Floor, Above R.R.Cell shop,
Besides Milan Cinema, Surendranagar. | - | Insurer |

Claim Petition for getting compensation of Rs. 45,00,000/-

APPEARANCE

Mr. V.H..Bhatt, Ld. Advocates for the claimants.
Mr. H.K.Vyas, Ld. Advocate for the opponent nos. 1
Mr. H.V.Bhadelia, Ld. Advocate for the opponent no.2

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Registered Date :-07/05/2022

Disposal Date: -14/05/2026

The claimant has filed the present claim petition U/Sec.166 and Rules 291 of the Motor Vehicles Act, 1988 against the opponents for getting compensation of Rs. 45,00,000/- for the death of deceased Jaydevbhai Ashokbhai Baraiya (son of claimant no. 1, brother of claimant nos. 2 & 3) resulted from the present accident which had occurred on **27/08/2023** on the highway road from Sanand to Viramgaam, near board of village Patiya within the jurisdiction of Sanand Police Station.

Today, 30th day of July-2026 before **Mr.M.P. Chaudhari, Chairman, Motor Accident Claim Tribunal (Auxi.),Dhrangadhra** in present of Mr.V.H.Bhatt,Ld.Advocate for the claimants, Mr. H.K.Vyas, Ld.Advocate for the opponents No.1 Mr. H.V.Bhadeliya,Ld.Advocate for the opponent no.2 the matter has been taken on hand for final disposal and the following order vide Exh.No.52 has been passed.

:: ORDER ::

➤Present claim petition is hereby partly allowed with proportionate costs and interest against the opponents.

The Claimants are entitled to recover an amount of Rs. 16,99,068/-(Rupees Sixteen Lakhs Ninety Nine Thousand Sixty Eight Only) by way of compensation from the opponents jointly and severally together with interest @ 8% p.a. from the date of filling the petition till realization of the payment.

M.A.C.P. NO. 29/2023

➤The opponent nos. 1 to 2 are liable to pay 75% of compensation i.e. Rs.16,99,068/- jointly or severally to the claimants and the claimants are liable to incur 25% of self negligence of the deceased which is already deducted.

➤The amount of interim compensation, if any paid U/Sec. 140 of M.V.Act. shall be deducted from the awarded amount of compensation.

As per the directions of Hon'ble Supreme Court in Writ petition (Civil) No. 534/2020 in the case of Bajaj Allianz General Insurance Company Private Ltd. Vs. Union of India & Ors. Dated 27/01/2022, the opponents are directed to deposit the amount of compensation to the Motor Accident Claims Tribunal's to the following bank account of this Tribunal within 30 days from the date of this order:-

Account Name	Motor Accidents Claims Tribunal, Dhrangadhra.
Account No.	40714416513
Name of Bank	State Bank of India
Name of Branch	Old Vegetable Market, Dhrangadhra.
IFSC Code	SBIN0060100
MICR Code	363002052

➤The opponents shall follow the guidelines given in the case of Hansagauri Prafulchandra Ladhani & others v.Oriental Insu. Co. Ltd. & Ors (2007 ACJ 1897 (DB) Guj.)by the Hon'ble High Court of Gujarat, with regard to the deduction of Income Tax.

Opponents are hereby directed to deposit the aforesaid amount of compensation within one month from the date of this order.

The Court fees, if any recovered, it shall be deducted first from the awarded final amount.

➤Order regarding disbursement and investment will be passed after depositing the amount by the opponents.

(Amount of Cost) (Rs. 16,99,068/-)

Sr. No.	Cost of Applicant.	Rs.	Sr. No.	Cost of Opponents.	Rs.
1.	Stamp of Compensation Application.	15000.00	1.	The Stamp of Counter Claim.	00.00
2.	Stamp of V.P.	3.00	2.	Stamp of V.P.	03.00
3.	Advocate Fees.	10470.00	3.	Advocate Fees.	10470.00
4.	Witness Allowance.	0000.00	4.	Witness Allowance.	00.00
5.	Process Fees.	15.00	5.	Process Fees.	00.00
6.	Commissioner Fee.	0.00	6.	Commissioner Fee.	00.00
7.	Cost of Gazette.	0.00	7.	Cost of Gazette.	00.00
	Total Rs.	25488.00		Total Rs.	10473.00

Pronounced in the open Tribunal on this 30 day of July-2026.

Prepared by

Checked by

**(B. B. Dave),
Assitant,
M.A.C.T.(Auxi.)
Dhrangadhra**

**(R.D.Delvadiya)
Dy.Registrar,
M.A.C.T.(Auxi.)
Dhrangadhra.**

**(M.P.Chaudhari)
Chairman,
M.A.C.T.(Auxi.),
Dhrangadhra.**

Court Fee Stamp to be affixed by applicant on application.	Rs. 15000-00	Process Fees.	Rs.15-00
Court Fee Stamp afixed by applicant on applicatin.	Rs. 7500-00	Process Fees.	Rs.15-00
Excess Court Fee Stamp recovered.	Rs. 7500-00	Process Fees.	Rs.00-00

Notes:-The parties of this compensation application are warned to get their produced original documents from the record, otherwise they will be destroyed after stipulated time.

Rule - 212(2) VI of Gujarat Motor Vehicles Rule-1989, Chapter X subject to a maximum fee of Rs.15,000/-(Fifteen Thousand Rupees Only)