

GJSR190000522016



<u>M.A.C.P.No</u>	<u>10/2016</u>	<u>11/2016</u>
Received on	20.01.2016	20.01.2016
Registered on	20.01.2016	20.01.2016
Decided on	31.07.2026	31.07.2026
Duration	10Y6M11D	10Y6M11D

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL**(AUXI.), SURAT AT BARDOLI****MOTOR ACCIDENT CLAIM PETITION NO.10/2016****WITH****MACP No. 11/2016**

Exh. _____

Motor Accident Claim Petition No.10/2016**CLAIMANTS :-**

(1) Sunitaben Ganeshbhai Dhanabhai alias

Dhansinh Rathod

Age : 22 years, Occp. House-hold work,

R/o. Astan, near Kanya Vidyalaya,

Taluka : Bardoli, District : Surat.

(2) Minor Nikul Ganeshbhai Rathod

Age : 4 years, Occp. Noting at present,

R/o. Astan, near Kanya Vidyalaya,

Taluka : Bardoli, District : Surat.

(3) Sohraben Dhana alias Dhansinh Udabhai Rathod

Age : 48 years, Occp. House-hold work,

R/o. Astan, near Kanya Vidyalaya,

Taluka : Bardoli, District : Surat.

Claimant No. 1 is the natural guardian and mother of minor claimant No. 2.

Claim of Rs.10,00,000/-

AND

Motor Accident Claim Petition No.11/2016

CLAIMANTS :-

(1) Sohraben Dhana alias Dhansinh Udabhai
Rathod

Age : 48 years, Occp. House-hold work,
R/o. Astan, near Kanya Vidyalaya,
Taluka : Bardoli, District : Surat.

(2) Mangilal alias Mangu Dhana alias Dhansinh
Rathod

Age : 26 years, Occp. labour work,
R/o. Astan, near Kanya Vidyalaya,
Taluka : Bardoli, District : Surat.

(3) Anil Dhana alias Dhansinh Rathod

Age : 19 years, Occp. labour work,
R/o. Astan, near Kanya Vidyalaya,
Taluka : Bardoli, District : Surat.

(4) Sunil Dhana alias Dhansinh Rathod

(Corrected as per order below Exh.27)

Age : 14 years, Occp. studying,

R/o. Astan, near Kanya Vidyalaya,

Taluka : Bardoli, District : Surat.

Claim of Rs.8,00,000/-

VERSUS

OPPONENTS :-

- (1) Arunbhai Thaganbhai Gamit
Age : 34 years, Occup. driver,
R/o. Daun, Deval Faliyu, Taluka : Songarh,
District : Tapi.
- (2) Rizwan Hussainbhai Dar
Age : 50 years, Occp. transport and business,
R/o. Mahomdai Mohallo, Polan Bazar, Godhar.
- (3) Rakeshkumar Hamirsinh Chauhan
Age : 52 years, Occp. transport and business,
R/o. C/o-Bhavesbhai, At post-Pali,
Taluka : Kamrej, District : Surat.
- (4) HDFC ERGO General Insurance Company Limited
Office Address : First floor, Sun Complex,
Race Course circle, Gotri road, Vadodara.

Appearances :-

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Mr. A.D. Soni	:	Ld. Adv. for applicants
Ms. J.K. Patel	:	Ld. Adv. for opponent No. 1 to 3
Mr. S.K. Desai	:	Ld. Adv. for opponent no.4

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// COMMON JUDGMENT //

1. This claim petition Nos. 10/2016 and 11/2016 are preferred by the claimants, under Section 166 of the Motor Vehicles Act, 1988 respectively arising out of common accident dated 17-12-2015. Therefore they are consolidated and tried together and they are being disposed off by this common judgment.
2. The M.A.C.P. No.10/2016 is made by the applicants who are widow, son and mother of the deceased for claiming compensation of Rs.8,00,000/- and M.A.C.P. No.11/2016 are filed by the applicants who are widow and three sons of deceased for claiming compensation of Rs.8,00,000/- by the respective claimants. Deceased of MACP No. 10/2016 and MACP No. 11/2016 were son and father respectively.

The factual matrix leading to the present proceeding are as under :-

3. The brief facts of both the claim petitions are that on 17-12-2015, deceased Ganeshbhai Dhana alias Dhansinh Rathod and Dhana alias Dhansinh Udabhai Rathod were going to sugar factory to unload the sugarcane by oxcart slowly and carefully and when they reached at the place of accident i.e. Astan village, Dham-dod Sai Temple, Bardoli, a truck bearing registration No.GJ-17-TT-6962 came with excessive speed in rash and negligent manner, without following traffic rules dashed with the oxcart from behind as a result, both son and

father i.e. Ganeshbhai Dhana alias Dhansinh Rathod and Dhana alias Dhansinh Udabhai Rathod fell down on the bushes and heavy wheel of the truck roll over the body of both the deceased and flee from spot as a result they sustained serious injuries and died. The said offence was registered before Bardoli police Station vide CR No.245/2015.

4. Further, it is the say of the applicants of MACP No. 10/2016 that at the time of accident, Ganeshbhai Dhana alias Dhansinh Rathod was 24 years old and was registered labour in sugar factory and was cutting the sugarcane from the registered member of the farm and transport the sugarcane to the sugarcane factory and registration of his oxcart was SFC 28. He used to earn Rs.15,000/- per month and earning his livelihood.

It is the say of the applicants of MACP No. 11/2016 that at the time of accidents, Dhana alias Dhansinhbhai Rathod was 52 years old and was registered labour in sugar factory and was cutting the sugarcane from the registered member of the farm and transport the sugarcane to the sugarcane factory by doing this work, he used to earn Rs.15,000/- per month and earning his livelihood.

Due to death of Ganeshbhai Dhana alias Dhansinh Rathod and Dhana alias Dhansinhbhai Rathod, applicants have lost her beloved family members at such an age. Hence, the applicants have prayed for compensation from all the

opponents along with interests.

5. The opponents are duly served with the summons/notice. Ld. Advocate Mr. J.K.Patel has appeared for Opponent No.1 to 3 and filed reply vide Exh. 12 and 13 respectively and they have stated that the application is not true and not valid and required to be dismissed. It is submitted that the application is barred by non-joinder of parties and mis-joinder of parties. Facts of the accident totally denied by the opponent No. 1 to 3. Age, income of the deceased denied by the opponent No. 1 to 3. Opponent No. 2 has falsely added in the claim petition and opponent No. 2 had sold the vehicle to opponent No. 3. Opponent No. 4 i.e. insurance company will pay the claimed amount to the applicants. Opponent No. 1 to 3 have prayed to exonerate from the claim petition.
6. The opponent no.4-insurance company has appeared through Ld. Advocate and filed its written statement respectively vide Exh.14 & 13 in both the claim petition. The opponent Insurance Company has denied all the averments made in claim petition. It is submitted that the driver of the truck No. GJ-17-TT-6962 did not hold valid and effective driving licence at the time of the accident and further was not qualified for holding or obtaining such driving licence and further has not satisfied the requirements of the rule No. 3 of the Central Motor Vehicles Rules, 1989. The opponent No. 3 has handed over the possession of the vehicle to the said

driver and therefore, has contravened the provision of M.V. Act and the rule framed there under has committed the breach of the terms and conditions of the policy. It is further submitted that alleged vehicle involved in the accident truck No. GJ 17 TT 6962 is registered in the RTO as a goods carrying commercial vehicle and as per the provision provided under the Motor Vehicles Act and Rules, no vehicle can ply without obtaining permit as well fitness certificate from the concern authority. According to the opponent, at the time of accident, the vehicle involved in the accident was run on the road without obtaining necessary permission permit and fitness certificate and committed the breach of the terms of the insurance policy and violating the statutory requirement. It is further submitted that deceased died due to said injuries in the alleged accident, the relationship between applicants with the deceased is not true and not admitted. It is not true and not admitted that the applicants were the dependents on deceased, applicants must be put to strict proof thereof. It is further submitted that there was no negligence on the part of the driver of the truck No. GJ 17 TT 6962. The opponents states that there has been sole negligence on the part of the deceased. Hence, opponent is not liable to pay any amount of compensation to the claimants. Hence, the opponent No.4 can not be held liable for the payment of compensation. So, the present claim petition is not maintainable and deserves to be dismissed with cost.

7. The applicants have produced following oral as well as relevant documentary evidences:

Sr. No.	<u>Oral Evidence</u>	Exh/Mark
MACP No. 10/2016		
1	Affidavit of applicant	31
MACP No. 11/2016		
1	Affidavit of applicant	30
<u>Documentary Evidences of both the MACPs</u>		
1	Certified Copy of complaint	41
2	Certified Copy of panchnama	42
3	Certified copy of charge-sheet	43
4	Certified copy of insurance policy of offending vehicle	44
5	Copy of RC book of offending vehicle	29/5
6	Copy of driving licence of offending vehicle	29/6
MACP No. 11/2016		
7	Inquest Panchnama of deceased Dhana alias Dhansinhbhai	45
8	P.M. Note of Dhana alias Dhansinhbhai	46
9	death certificate of Dhana alias Dhansinhbhai	47
MACP No. 10/2016		
10	Inquest Panchnama of deceased Ganeshbhai Dhana alias Dhansinh Rathod	48
11	P.M. Note of Ganeshbhai Dhana alias Dhansinh Rathod	49
12	death certificate of Ganeshbhai Dhana alias Dhansinh Rathod	50
13	Aadhar card of Sohrabhai	51

8. The opponent No. 4 has produced following oral as well as relevant documentary evidences:

Sr. No.	<u>Oral Evidence</u>	Exh/Mark
	Deposition of Swati Madhusudan Ghadge	40
	<u>Documentary Evidences</u>	
1	Certified copy of policy and wordings	52
2	Notice of insured	53
3	RPAD slip	54
4	Tracking report of india post	55

9. In view of the aforesaid pleadings, following issues were framed in both the MACPs vide respective Exh.15 and 14.

ISSUES

1. Whether the applicants prove that deceased died in the vehicular accident due to rash and negligent driving of driver of the offending vehicle ?
2. Whether the applicants are entitled to get the amount of compensation as claimed in petition ? If yes, what amount and from whom ?
3. What order and award ?

FINDINGS

My findings on the above issues are as under :

1. In Affirmative.
2. In Affirmative.
3. As per final order.

REASONS

Issue No.1 in both claim petitions :

Involvement of Vehicle & Negligence :

10. First of all, it is pertinent to note that, while deciding the point

of negligence, it has to be borne in mind that the negligence is required to be proved in both claim petition 166 of the Act only on the touchstone of the preponderance of probability and not beyond doubt. Above referred ratio is laid down by Hon'ble Apex Court in the cases of i) Bimla Devi v/s H.R.T.C., reported in AIR 2009 SC 2819 and ii) Parmeshwari Devi v/s Amir Chand, reported in 2011 (11) SCC 635.

11. The applicant has filed her affidavit at Exh.31 and 30 in the form of examination-in-chief in which, she has reiterated the facts as averment made in claim petition and also the facts about the manner in which accident occurred and has stated that because of the negligence on the part of the driver of the offending vehicle i.e. opponent No. 1, the accident was occurred.

In her cross examination, she has denied that at the time of accident age of her husband was 60 years and was earning only Rs. 3000/- per month. In her cross examination, she has denied that at the time of accident age of her son was above 30 years and was earning only Rs. 3000/- per month.

12. Applicant has produced Inquest panchnama and P.M. Report of both the deceased persons at Exh.48 & 49 in MACP No. 10/2016 and 45 & 46 in MACP No. 11/2016 respectively and on perusing the same, it establishes that the serious injuries sustained to the deceased and due to which Ganeshbhai and

Dhanabhai died in the above vehicular accident.

The Applicants have also produced copy of FIR vide Exh. 41 and perusal of FIR reveals that the FIR was filed by Tarmakbhai Ukhabhai Pavar against the truck driver who had dashed with the oxcart and fled from the spot. Further the opponent No. 1 to 3 have filed reply but did not appear personally or have brought the witness to prove their defence.

Negligence : Looking to the FIR, and Panchnama vide Exh.41 and 42 respectively. Admittedly, the FIR came to be registered against the opponent No. 1. The opponent No. 1 was driving a heavy vehicle and duty cast upon the opponent No. 1 to drive the vehicle slowly, carefully and if the driver of offending would have taken proper care while driving, accident could have been avoided. Furthermore, opponent no.1 i.e. driver of Truck has neither stepped in the witness box to prove that he was not negligent so adverse inference can be drawn against him. Moreover, charge-sheet vide Exh. 43 was also filed against him. In such circumstances, I hold 100% liable for the death of Ganeshbhai and Dhana alias Dhansinhbhai Rathod. Accordingly, I decide the Issue no.1 in the “Affirmative”.

ISSUE NO. 2

13. In order to determine the dependency loss, it is required to be noted that, this petition is filed under section 166 which provides special provisions as to payment of compensation.

Now, as far as the amount of compensation in the petition is concerned the calculation of compensation is

discussed hereinafter.

ENTITLEMENT OF COMPENSATION:

14. Once it is established that accident in question occurred due to rash and negligent driving of the opponent no.1 and deceased lost their life in the accident, the issue, that needs to be considered is whether the applicants are entitled for the compensation for the same. It transpires that applicants are family members of the deceased hence as the applicants have lost member in the accident at such a young age. Hence it is held that the applicants are entitled for compensation for death of Ganeshbhai and Dhanabhai.

15. QUANTUM OF THE COMPENSATION:

The cardinal principle for awarding the compensation in the accident cases is that the compensation to be awarded must not be inadequate nor must be exorbitant but the same must be JUST COMPENSATION. Hon'ble Apex Court has in case of **Sarla Verma vs. Delhi Transport Corpn., reported in 2009 ACJ 1258** has provided guidelines for awarding JUST COMPENSATION to the victims and accordingly in the present case JUST COMPENSATION is worked out as under.

16. CLAIM FOR FUTURE LOSS OF INCOME-LOSS OF DEPENDENCY :

The claim for future loss of income can be computed by considering the income and age of the deceased. It is *sine qua non* to determine first the age and income of the deceased persons. The said aspects are discussed below.

AGE:

In the claim petition, applicants have submitted that at the time of accident age of Ganeshbhai was 24 years and age of Dhansinhbhai Rathod was 52 years. The same fact has been reiterated by the applicant in her Affidavit at Exh.31 and 30. Opponents have not produced any substantial evidence to contradict this fact, hence, at the time of accident Ganeshbhai was 24 years and Dhanabhai was 52 years.

INCOME:

The applicant has stated in her affidavit vide Exh. 31 that her son Ganeshbhai was 24 years old at the time of accident. It is stated in her deposition that deceased was registered labour in sugar factory and was earning Rs.15,000/- per month by doing labour work in the sugar factory but, no any cogent evidence has been produced by the applicant to prove deceased's income. Thus, considering his age, industry in which deceased was engrossed and experience and the fact that the accident in question has occurred in the year 2015 and as per the Minimum Wages Act, it will be proper, just and reasonable to assess the monthly income of the deceased at Rs.7235/- per month. Hence, annual income of deceased comes to Rs.86,820/- (7235 x 12).

Considering the fact that the deceased was working as a labour in sugar factory and moreover as per the guidelines provided in the latest Judgment passed by Hon'ble Supreme Court in the case of National insurance Co. Ltd. V/s Pranay Sethi & Others, the income in question has to be increased for

prospective rise to 40%, as the age of deceased was below 40 years. So, it will be just to increase income to 40% for prospective rise. Hence, the annual income of the deceased comes to **Rs.1,21,548/- (34,728 + 86,820)**.

The applicant has stated in her affidavit vide Exh. 30 that her husband Dhanabhai was 52 years old at the time of accident. It is stated in her deposition that deceased was registered labour in sugar factory and was earning Rs.15,000/- per month by doing labour work in the sugar factory but, no any cogent evidence has been produced by the applicant to prove deceased's income. Thus, considering his age, industry in which deceased was engrossed and experience and the fact that the accident in question has occurred in the year 2015 and as per the Minimum Wages Act, it will be proper, just and reasonable to assess the monthly income of the deceased at Rs.7235/- per month. Hence, annual income of deceased comes to Rs.86,820/- (7235 x 12).

Considering the fact that the deceased was earning member of family and moreover as per the guidelines provided in the latest Judgment passed by **Hon'ble Supreme Court in the case of National insurance Co. Ltd. V/s Pranay Sethi & Others**, the income in question has to be increased for prospective rise to 10%, as the age of deceased was self employed and age between 51-60 years. So, it will be just to increase income to 10% for prospective rise. Hence, the annual income of the deceased comes to **Rs.95,502/-**

[(86820 + 8682/-)].

17.DEPENDENTS:

For arriving at the JUST COMPENSATION in terms of future loss of income, it is necessary to reduce the yearly income of the deceased by adjusting to the proportion of the income that would be used by the deceased had he/they been alive and for deciding said proportion the guidelines have been issued in the decision of the Hon'ble Supreme court in case of **Sarla Verma vs. Delhi Transport Corp., reported in 2009 ACJ 1258.**

In MACP No. 10/2016, deceased was married and has three dependent persons. Hence, 1/3 proportion of the income of the deceased Ganeshbhai has to be deducted from the yearly income of the deceased and determined by doing income are as under ;

In MACP No. 11/2016, deceased was married and has four dependent persons. Hence, 1/4 proportion of the income of the deceased Dhana alias Dhanasinh has to be deducted from the yearly income of the deceased and determined by doing income are as under;

MACP	Income	Deduction	Income after deduction
MACP No. 10/2016	Rs.1,21,548/-	1/3	Rs. 81,032/-
MACP No. 11/2016	Rs.95,502/-	1/4	Rs. 71,626.5/-

18.MULTIPLIER:

As the age of deceased Ganeshbhai and Dhana alias Dhansinh are determined as 24 years and 52 years respectively, the multiplier of **18 and 11** will be applicable.

19.LOSS OF DEPENDENCY:

Thus, the applicants of **MACP No. 10/2016** are entitled to the claim of loss of future loss of income, Loss of dependency to the tune of **(18 x Rs.81,032) as Rs.14,58,576/- and**

The applicants of **MACP No. 11/2016** are entitled to the claim of loss of future loss of income, Loss of dependency to the tune of **(11 x Rs.71,626.5) as Rs.7,87,891.5/-.**

20.CLAIM FOR LOSS OF ESTATE, LOSS OF CONSORTIUM AND FUNERAL CHARGES :

The Hon'ble Apex court has in the decision of **National Ins. Co. Ltd. v. Pranay Sethi & Ors. reported in 2017 SC 5157** provided that reasonable figures on conventional heads namely loss of estate, loss of consortium and funeral expenses, should be Rs.70,000/-. In said judgment it was further proposed to enhance the compensation by 10% on completion of every three years. The above judgment of Pranay Shetty (Supra) was pronounced on 31st October, 2017 and now eight years have already been completed of its pronouncement and hence 20% raise is required to be granted and therefore, claimants are awarded each Rs.18,000/- as loss of Estate and loss of life, Rs. 18,000/- as funeral expenses in both the MACPs.

In MACP No. 10/2016, claimants are widow, child and

mother of deceased, therefore, they are entitled to Rs.48,000/- towards spousal consortium, Rs. 48,000/- towards filial consortium and Rs. 48,000/- towards parental consortium and accordingly, the claimants are entitled to Rs. 1,44,000/- under the head of loss of consortium.

In MACP No. 11/2016, claimants are widow and three children of deceased, therefore, they are entitled to Rs.48,000/- towards spousal consortium, Rs. 48,000/- each towards filial consortium and accordingly, the claimants are entitled to Rs. 1,92,000/- under the head of loss of consortium.

MACP	MACP No. 10/2016	MACP No. 11/2016
Loss of Estate and loss of life	Rs. 18,000/-	Rs. 18,000/-
Funeral Charges	Rs. 18,000/-	Rs. 18,000/-
Loss of consortium	Rs. 1,44,000/-	Rs. 1,92,000/-

Thus, as per the above discussion and relying upon the principle laid down by Hon'ble Apex Court, the applicant is awarded amount of compensation under following different heads:-

Heads	MACP No. 10/2016	MACP No. 11/2016
Future loss of income	Rs.14,58,576/-	Rs.7,87,891.5/-
Funeral Charges	Rs. 18,000/-	Rs. 18,000/-

Loss of consortium	Rs. 1,44,000/-	Rs. 1,92,000/-
Loss of estate	Rs. 18,000/-	Rs. 18,000/-
Total	Rs. 16,38,576/-	Rs. 10,15,891.5/-

21. The applicant of both the MACPs are entitled to above sum with interest @ 7.5% from the date of filing of petition till its realization.

22. Thus, the applicants are legally entitled for the above amount from both the opponents and both the opponents are jointly and severally liable to pay the awarded amount to the applicants.

23. LIABILITY IN BOTH MACPs :

Ld. Advocate for the opponent No. 2 has submitted that he had sold the said vehicle to opponent No. 3 and therefore, he is not liable to pay compensation.

Ld. Advocate for the insurance company submitted that owner is different from the R.C. book and hence, opponent No. 4 i.e. insurance company cannot be held liable to pay compensation to the applicants.

Looking to the RC book vide Mark 29/5 and insurance policy vide Exh. 44 it appears that as per RC book name of owner is Rijvan Husen Dar and as per insurance policy, name of owner is Rakeshkumar Hamirsinh Chauhan, opponent No. 2 has not produced any document showing that he had sold the said vehicle to opponent No. 3. and hence, there is contradiction of ownership. But at the same time, looking to

the insurance policy vide Exh. 44 it appears that at the time of accident, offending vehicle was insured with opponent No. 4 i.e. insurance company and, therefore, insurance company firstly satisfy the award and, thereafter recover the same from the opponents. Hence, Issue No.2 is decided accordingly in 'Affirmative' and for Issue No.3 following final award is hereby passed.

ORDER

[1] The petition is hereby allowed against the opponents.

[2] The petitioner of **MACP No. 10/2016** do recover **Rs. 16,38,576/-** (Rupees Sixteen Lakhs Thirty eight Thousand five Hundred and seventy six only) and petitioner of **MACP No. 11/2016** do recover **Rs. 10,15,891.5/- (in round figure Rs. 10,15,891/-)** (Rupees Ten Lakhs fifteen Thousand eight hundred and ninety one Only) from the opponent no.1 to 4 in both the claim petitions only with simple interest at the rate of 7.5% p.a. from the date of filing of petition till realization of the amount along with proportionate costs of the petition.

[3] The opponents are hereby directed to deposit the awarded amount with this Tribunal within a period of 30 days from the date of this order and amount if paid as interim compensation u/s.140 of the Act be adjusted against the claim amount.

[4] On depositing the above amount of award by the

opponents in this Tribunal, the amount of Court Fee Stamp, if recoverable on the awarded amount, be recovered from the awarded amount and the same be taxed as the costs of the petition.

[5] From the above said amount in MACP No. 10/2016, 50% amount be apportioned to applicant No. 1, 25% amount be apportioned to applicant No. 2 and remaining 25% amount be apportioned to applicant No. 3. Applicant No. 2 being minor 100% amount coming in the share in the said applicant shall be kept in a fixed deposit, in the name of applicant No. 1 who is guardian and next friend of the minor applicant No. 2, in any nationalized bank of the choice of the applicant, for a period of FIVE YEARS or till the said applicant attained majority whichever is later.

In MACP No. 11/2016, 40% amount be apportioned to applicant No. 1 and remaining 60% amount be apportioned to applicant No. 2 to 4 in equal proportion.

[6] Out of the amount awarded to claimants 60% of amount shall be invested as Fixed Deposit in any Nationalized Bank of the choice of claimants for the period of five years and balance 40% amount shall be paid to claimants by account payee cheque.

[7] In view of the judgment of the Hon'ble High Court of Madras in case of Divisional Manager Vs. Rajesh, 2016 SCC

Online Mad 1913 dated 11-03-2021, the opponents have to follow the aforesaid judgment while making the payment and the opponents shall deposit the awarded amount by RTGS or NEFT to this tribunal, the details regarding bank account maintained by the tribunal is as under :-

Account Name :- Additional District Judge, Surat.

Bank Name :- State Bank of India, Nanpura Branch, Surat.

Account Number :- 40750729019

IFSC :- SBIN0001388

MICR :- 395002004

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

→ Investments, as above, shall carry the following terms and conditions :

[a] The said amount shall be invested with any of the nationalized Bank of the choice of the applicant in Fixed Deposit Receipt Account.

[b] The interest on the above Fixed Deposit Receipt Account as and when it becomes payable monthly, quarterly, half yearly or annually, as agreed to, shall be paid to the

applicant.

[c] No facility by way of loan, overdraft or cash credit shall be available on the above investment and the Bank shall not allow any such transaction, encumbering the investment or on the basis of the security of the same.

[d] The Bank shall not permit the applicant to withdraw the said amount prior to its maturity or without prior permission of this Tribunal.

[e] The Bank shall intimate to this Tribunal the particulars of the investment viz., number of Fixed Deposit Receipt, name of holder and the date of maturity immediately after issuance of Fixed Deposit Receipt in this case.

[f] At the end of the period aforesaid, the Bank shall pay the principal amount to the payee, the concerned applicant.

Award be drawn accordingly in both the claim petitions.

Copy of the judgment be kept in M.A.C.P No.11/2016.

Pronounced in the open Court today on **31st day of July, 2026.**

Date : 31/07/2026

Place: Bardoli.

Nareshkumar R. Jain

M.A.C. Tribunal (Auxi.) &
5th Additional District Judge, Surat at
Bardoli
(Unique ID Code: GJ00582)