

GJBK180011672015



Presented on : 16-04-2015
Registered on : 16-04-2015
Decided on : 12-08-2026
Duration : 11 years, 3 months, 26 days

IN THE COURT OF
5th ADDL DISTRICT JUDGE AT DEESA, BANASKANTHA
Presided Over by S.M.KANABAR

MACP/58/2015

Exhibit No.:37

Petitioner:

1: KAPURBEN Wd/o DUDHAMALJI LEBJI THAKOR

Age: 44 Occupation :

**Address: AT. 31, AKHOL MOTI, TA. DEESA, DIST.
BANASKANTHA, DEESA**

2: DUDHAMLAJI LEBAJI THAKOR-RATNATAR

Age: 45 Occupation :

**AT. 31 AKHOL MOTI TA. DEESA DIST. BANASKANTHA
DEESA**

DIED HENCE HIS HEIRS

2:1- RAMILABEN DOODHMALJI RABHTAR

2:2 – HANSABEN DOODHMALJI RABHTAR

3: BHAVANSING DUDHAMALJI THAKOR-RATNATAR

Age: 18 Occupation :

**AT. 31 AKHOL MOTI TA. DEESA DIST. BANASKANTHA
DEESA**

3:1 – SUREKHABEN BHAVANSING RATHOD

2:2 – MAHENDRASING BHAVANSING RATHOD

VERSUS

Respondent:

1:PATELIYA TIKENDRABHAI RAMJIBHAI

Age: 0 Occupation :

**Address: AT. DANTOD,TA. VIJAYNAGAR,DIST.
SABARKANTHA,VIJAYNAGAR**

2:JYOTSANABEN RAMESHBHAI PATEL

Age: 0 Occupation :

**AT. 40 GANGOTRI TENAMENTS B-5 GOPINATH BUNGLOWS
OPP. DIPAK SCHOOL NIKOL AHMEDABAD**

3:BAJAJ ALIANCE GENERAL INSURANCE CO.LTD.

Age: 18 Occupation :

AT. STAR BAZAR OFFICE NO. 405 ISCON MALL AHMEDABAD

4:KHETAJI MORAJI SANKHALA

Age: 0 Occupation :

**AT. SCHOOLVALI DHANI MALGADH TA. DEESA DIST. B.K
DEESA**

5:THE IFFCO TOKIYO GENERAL INSURANCE COMPANY LTD.

Age: 0 Occupation :

**AT. 301-302 STARLING CENTER R.C.DATTA ROAD ALKAPURI
VADODARA**

Advocate for Petitioner: D D SWAMI

Advocate for Respondent: S M KHATRI & D K KHARDOSANIYA &
N R MADHU

Linked Case : MACP/70/2017

Petitioner

1:SURESHBHAI HARESHBHAI HARIJAN-DABHI

Age: 25 Occupation :

Address:ZERADA TA.DEESA DIST.BANASKANTHA

VERSUS

Respondent

1:PATELIYA HITENDRABHAI RAMAJIBHAI

Age: 0 Occupation :

Address:DANTOD TA.VIJAYNAGAR DIST.SABARKANTHA

2:JYOTSANABEN RAMESHBHAI PATEL

Age: 40 Occupation :

**Address:40 GANGOTRI TENAMENT B/S GOPINATH
BUNGLOWS NEAR DEEPAK SCHOOL NIKOL AHMEDABAD**

3:BAJAJ ALLIANCE CO.LTD.

Age: 0 Occupation :

**Address:204/206 TALIKER OPP PARILIMA COMPLEX
C.G.ROAD**

4:IFFACCO TOKIYO GENERAL INSUARANCE COMPANY LTD.

Age: 0 Occupation :

**Address:301/301 STERLING CENTER R.C.THE ROAD
CHANKYAPURI AHMEDABAD**

Advocate for Petitioner: A L SHAIKH

**Advocate for Respondent: S M KHATRI & D K KHARDOSANIYA
& N R MADHU**

JUDGMENT
(Delivered on 12-8-2026)

**APPLICATION FOR GETTING THE COMPENSATION UNDER
SECTION 166
OF THE MOTOR VEHICLES ACT, 1988.**

- (1-i) While the preferring the petition No.58/2015, it was filed for the compensation of Rs.22,30,000/- along with interest and costs, from the Opponents stating the death of Vikramsing Doodhmalji Thakor, who was died in the accident caused on Dtd.1/2/2015 at about 12-0 in the noon at Gulalpura Bus Stand between vehicle No. GJ 8 Z 9702 drove by deceased and Swift Car no. GJ 27 K 8341.
- (1-ii) While the preferring the petition No.70/2017, it was filed for the compensation of Rs.3,00,000/- along with interest and costs, from the Opponents stating the injury to himself in the accident caused on Dtd.1/2/2015 at about 12-0 in the noon at Gulalpura Bus Stand between vehicle No. GJ 8 Z 9702 drove by deceased and Swift Car no. GJ 27 K 8341.
- (2) The notices was served on opponents. Opponent No.5 of MACP No.58/2015 filed its written statement vide Ex.15 and denied its liability.
- * Opponent No.1 of MACP No.58/2015 filed his written statement vide Ex.17 and denied his liability.
- * Opponent No.3 of MACP No.58/2015 filed its written statement vide Ex.24 and denied its liability.

- * Opponent No.4 filed its written statement in MACP No.70/2017 vide Ex.13 and denied its liability.
 - * Opponent No.3 filed its written statement in MACP No.70/2017 vide Ex.16 and denied its liability.
- (3) The issues were framed in MACP No.58/2015 for NFL application and it was amended after conversion of application in Section 166, therefore, both the matters are decided on following issues.

:: ISSUES FOR DETERMINATION ::

1	Whether applicant proves that alleged accident caused through rash or negligent use of vehicle alleged in the petition?
2	Whether applicant proves that alleged death/injury caused due to the accident?
3	Whether applicant is entitled to get compensation from the opponents? If yes then what amount is the proper compensation for the applicant?
4	What order and award?

- (4) My findings, arrived at, of the above stated issues, are as under :

-: FINDINGS :-

1	Partly in Affirmative as per final order.
2	Partly in Affirmative as per final order.
3	Partly in Affirmative as per final order.
4	As per final order.

(5) EVIDENCE OF CLAIMANT :

S./N.	PARTICULARS	Exh. /Mark
MACP No.58/2015		
1	Deposition of Kapurben Doodhmalji	32
MACP No.70/2017		
1	Deposition of Sureshbhai Harishbhai @ Haribhai	30
2	Complaint	31
3	Panchnama of crime spot	32
4	Medical Certificate	33-35
5	RC Book of swift	36
6	Insurance Policy of swift	37
7	RC Book of vehicle No. 9702	38
8	Insurance Policy of vehicle No. 9702	39
9	Medical Reports & X-rays	48-51
10	School Leaving Certificate	52
11	Pay Slip	53

(6) Opponent's Evidence :-

S./N.	PARTICULARS	Exh. /Mark
	NOT FILED	

(7) Argument :-

A. On the side of claimant:-

- (i) Learned advocate of claimant argued orally. He demanded the compensation relying on the evidence produced and asked to allow the petition.

B. On the side of Opponents -

- (i) Learned advocate of opponent No.3 filed written argument and raised the issue of 50%-50% negligency of both the vehicles and asked to pass the order. For the matter of injury he denied the legal proof of permanent disabilities as per the direction of Hon'ble Apex Court and asked to reject it.
- (ii) Learned advocate of opponent No.5 raised the issue of filling the complaint of negligence on the vehicle of opponent No.1 to 3 and asked to consider it as the proof of negligence and to pass the order as per it.

-.: REASONS :-

Issues No.1 to 3 :

- (8) Since the evidence, all documentary and oral, is germane and common to all issues, all the issues are dealt with together for the sake of convenience.

Issue of negligence :-

- (9) The complaint of rash and negligent driving was filed against offending vehicle of opponent No.1 to 3 and it is on record vide Ex.31. Therefore, liability of opponent No.1 to 3 is proved.

Age of the deceased & Injured:-

- (10) Claimant side stated the age of deceased as 18 years without any proof of age.
- (11) Claimant side state the age of injury as of 25 and he relied on the evidence of school leaving certificate filed under Ex.52 and it shows the birth date of injured as of 10/5/1988 and accident was caused on Dtd.1/2/2015. Therefore the age of injured was 27 years on the date of accident.

Income of deceased and injured :-

- (12) Claimants of MACP No. 58/2015 stated the income of the deceased worth of Rs.10,000/- per month without filling documents.
- (13) Claimants of MACP No. 70/2017 stated the income of the claimant as Rs.17010/- relying on Ex.53 but there was no proof of service of victim at there or the concerned person was not examined.
- (14) Hon'ble Supreme Court in his direction passed the same wordings in following cases.

* Hon'ble Supreme Court in case of GOUHAR MOHAMMAD vs. UTTAR PRADESH ROAD

TRANSPORT CORPORTAION [(2023) 4 SCC 381]

held that “16. Minimum wage to be considered by Claims Tribunal in cases where legal representatives of the deceased do not have documentary evidence as to proof of income of deceased; ”

- * In HITESH NAGJIBHAI PATEL VERSUS BABABHAI NAGJIBHAI RABARI & ANR. Reported in 2025 LiveLaw (SC) 871 that “*in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government.*”,
- * Hon’ble Supreme Court in Cause Title: Sharad Singh (Dead) Through LR v. HD Narang and New India Insurance Co. Ltd. (Neutral Citation: 2025 INSC 1164) 2025 LiveLaw (SC) 964 held that “We were not convinced that the minimum wages would be determined on the basis of the educational qualification alone without reference to the nature of work carried on,”
- * Case name: New India Assurance Co. Ltd. V. Sonigra Juhi Uttamchand., SLP (C) No. 30491 of 2018 **Citation : 2025 LiveLaw (SC) 18 held that that** “*Monthly income could be fixed taking into account*

the tax returns only if the details of payment of tax are appropriately brought into evidence so as to enable the Tribunal/Court to calculate the income in accordance with law.” AND “The Tribunal could not be said to have committed any mistake in not accepting the xerox copies of the tax returns and virtually adopted guess work relying on the attending circumstances to fix the monthly income of the parents of the appellant for calculation purpose.,” the Court said.

* IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO. OF 2025 (Arising out of SLP (C) No. 26253/2025) SEBATI NATH V/S SHRIRAM GENERAL INSURANCE COMPANY LTD decided on 12th November 2025 held that “This Court in Chandra v. Mukesh Kumar Yadav (2022) 1 SCC 198, has held that “In the absence of documentary evidence on record, some guesswork is required to be done”.

* Hon’ble Supreme Court in SHISHU PAL @ SHISHU RAM & ORS. V/s. SURJEET & Ors reported in 2026 INSC 634 held that “III. If a particular income is claimed and ITRs/salary slips issued by employer under Stamp and seal/ certificate of salary issued by employer under Stamp and seal are available, they must necessarily be filed.

- (15) In case on hand, no legal proof of income is filed and proved as per legal requirements, therefore minimum wages should be considered. The minimum wages at that time was Rs.7238-40 for unskilled person as per the government circular issued by the Government of Gujarat in the year 2015.**

Issue of disability :-

- (16)** Claimant side filed the claim in the year 2017 for the accident caused in the year 2015. Disability certificate issued on Dtd.29/1/2026 was filed at Mark 56/1 without specification of total permanent disability as whole. It is also not proved through the deposition of medical officer concerned.
- (17)** OFFICE OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES under Ministry of Social Justice and Empowerment New Delhi, the 1st June, 2001 issued Guidelines for evaluation of various disabilities and procedure for certification vide notification No. 16-18/97-NI.
- (18)** In Girdhar Brijmohan Maru Vs. Vimal Lalchand Mutha and Ors. - (High Court of Bombay) (26 Jun 2019) held that Tribunal cannot accept disability certificate without examining Doctor concerned.
- (19)** Supreme Court of India in Rajesh Kumar @ Raju vs Yudhvir Singh & Anr on 13 May, 2008 reported in AIR 2008 SUPREME COURT 2396, 2008 (7) SCC 305 9. The certificate in question in this case was obtained after two years. It is not known as to whether the Civil Surgeon of the hospital treated the appellant. On what basis,

such a certificate was issued two years after the accident took place is not known. The author of the said certificate had not been examined. Unless the author of the certificate examined himself, it was not admissible in evidence.

- (20) Hon'ble Apex Court in case of Raj Kumar vs Ajay Kumar & Anr on 18 October, 2010 reported in AIR ONLINE 2010 SC 125, AIR ONLINE 2010 SC 144 held that "12. The Tribunal should also act with caution, if it proposed to accept the expert evidence of doctors who did not treat the injured but who give 'ready to use' disability certificates, without proper medical assessment. There are several instances of unscrupulous doctors who without treating the injured, readily giving liberal disability certificates to help the claimants. But where the disability certificates are given by duly constituted Medical Boards, they may be accepted subject to evidence regarding the genuineness of such certificates. The Tribunal may invariably make it a point to require the evidence of the Doctor who treated the injured or who assessed the permanent disability. Mere production of a disability certificate or Discharge Certificate will not be proof of the extent of disability stated therein unless the Doctor who treated the claimant or who medically examined and assessed the extent of disability of claimant, is tendered for cross-examination with reference to the certificate. If the Tribunal is not satisfied with the medical evidence produced by the claimant, it can constitute a Medical Board (from a panel maintained by it in consultation with reputed local

Hospitals/Medical Colleges) and refer the claimant to such Medical Board for assessment of the disability.”.

- (21) In case of Bajaj Allianz General Insurance ... vs Union Of India on 16 November, 2021 Hon’ble Apex Court held that “(iv) As far as the aspect of the issuance of certificate on disability of victims is concerned, it is reiterated that the guidelines laid down by this Court in *Raj Kumar v. Ajay Kumar and Anr.*, (2011) 1 SCC 343 mandatorily must be followed by the MACTs, in respect of loss of income due to injury/disablement. The District Medical Board is also directed to follow the guidelines issued by the Ministry of Social Justice and Empowerment, Government of India vide Gazette Notification S. No. 61, dated 05.01.2018, for issuance of disability Certificate in order to bring Pan India uniformity. The consequence is that the MACT would ascertain that permanent disability certificate issued by the District Medical Board or body authorized by it is in accordance with the Gazette Notification alone. Once the certificate is issued in this manner, the same can be marked for purposes of being taken into consideration as evidence without the necessity of summoning the concerned witness to give formal proof of the documents unless there is some reason for suspicion on the document;”
- (22) Rajasthan High Court in case of *Jitendra Yadav vs Manish Kumar Sharma And Others* on 10 January, 2012 held that “9. Having laid my hands on the order passed by this Court in the case of [United Insurance Company Limited Vs. Smt. Kamla Devi and Ors.](#)

rendered in S.B.C.M.A.No.6396, it is noticed that the learned counsel for the appellant-Insurance Co. argued in this case that there was a racket going on in Dhanwantri Life Care Pvt. Ltd. 67/56-A New Sanganer Road, Mansarovar, Jaipur and SK Soni Hospital, Vidhyadhar Nagar, Jaipur which was indiscriminately issuing bogus disability certificates (that) assessing disability of the claimants much in excess of the actual disability and in some cases, even without any disability at all and the Tribunals /Workmen Compensation Commissioners on that basis had been liberally granting compensation. This was a serious allegation and such practice ought not to be therefore, allowed to go on any further. This Court having considered the arguments of the learned counsel for the appellant-Insurance Co. and perused the circular issued by the Medical & Health (Group-2) Department, Government of Rajasthan dated 29th June, 2010 whereby the Government of Rajasthan had issued instructions that such disability certificates could be issued only by the Medical Board consisting of three Doctors of the Government Hospital, issued the following direction to all the Motor Accident Claims Tribunals situated at Jaipur in the following terms: All the Motor Accident Claims Tribunals at Jaipur and the Employee's Compensation Commissioner, Jaipur District-I, II & III as well as Jaipur City, at Shanti Nagar, Opposite NBC Hasanpura, Jaipur are henceforth directed not to accept or rely on any such disability certificates issued by Private Hospitals including above referred to two hospitals in any claim petition and insist on

the claimants to obtain the disability certificate from the duly constituted medical board of the government hospital as per the circulars of the Government of Rajasthan dated 29/10/2010 and 19/8/2011 and the Notification issued by the Ministry of social Justice & Empowerment Department, Government of India, New Delhi dated 30/12/2009. 10. In view of the above directions of this Court rendered in the case of [United Insurance Company Limited](#) (supra), the learned Tribunal rightly did not rely on the said disability certificate issued by the Medical Officer of the S.K.Soni Hospital. Additional Director of Medical & Health Services, Rajasthan Jaipur is also found to have registered objections against issuing false and hypothetical disability certificates by the Doctors of Private Hospitals illegally. The Department is found to have observed that some Private Hospitals had illegally organized and formed a racket just with a view to cause wrongful gain to the victims of the Motor accidents by way of issuing false and forged disability certificates. Hence, the Additional Director, in order to curb this malpractice, also issued the directions that the Motor accidents victims should obtain disability certificates from the Government Hospital and not from Private Hospitals. Otherwise too, the Private Hospitals are neither answerable to the Medical & Health Department nor accountable to any Government agency, hence in the present scenario, where the moral and ethical values of the persons have gone down to an unimaginable extent, the credibility of such persons, issuing the disability certificates, comes

to halt and becomes questionable. Since they are not being controlled by any Government agency and they are accountable/answerable to none, hence, the certificates issued by them, cannot be considered and relied upon for the purpose of computing the amount of compensation in Motor Accident Claims Cases. ”

- (19) **National Insurance Co. Ltd. Subash Chander Vs Subash Chander and others. National Insurance Company Ltd**
Citation: 2023 LiveLaw (JKL) 164 held that *“In order to ascertain the nature of disability of an injured/claimant and its effect upon his earning capacity, the Tribunal has to make every effort to record the evidence of the Doctor who has treated the injured or who has assessed his permanent disability. Mere production of a disability certificate cannot be taken as proof of the extent of disability stated therein”.*
- (20) *Hon’ble Supreme Court in SHISHU PAL @ SHISH RAM & ORS. V/s. SURJEET & Ors reported in 2026 INSC 634 held that “II. In a case of disability, certificate in that regard issued by a competent doctor expressly recording the percentage of disability suffered be attached as also, the opinion of the said doctor regarding functional disability if any.”*
- (21) **There is verdict of Hon’ble Gujarat High Court in R/APPEAL FROM ORDER NO. 201 of 2024 NITINKUMAR ARJANBHAI KAPTA Versus PASCHIM GUJARAT VIJ COMPANY LTD** that The issuance of disability certificate by

Medical Board is one mode of assessing disability certificate; but such Disability Manual or notification does not preclude the Doctor from assessing the disability based upon the Medical Jurisprudence.

- (22) But when there is direction issued by the Hon'ble Apex Court in various cases and specifically it is under the knowledge of this court by widely circulation from the Hon'ble Apex Court through the Hon'ble High Court, it is the law that direction of Hon'ble Apex Court is having binding effect higher then the order of Hon'ble High Court.**
- (23) In case on hand, the author of the Ex.56/1 is not examined before this tribunal. Even there is no clarification of receiving the certificate from the doctor who does not treat the claimant. The total permanent disability is not mentioned in it.**
- (24) But as there was injury and therefore as per the Recently Hon'ble Supreme Court of India in CIVIL APPEAL NO. OF 2025 (@ SPECIAL LEAVE PETITION (CIVIL) NO. 8060 of 2024) K.R. JAGADISH & ANR. VERSUS M/S NATIONAL INSURANCE COMPANY LIMITED. & ANR. RESPONDENT(S) held that "11. From the aforesaid, it is clear that the present facts of the case are squarely covered under Section 163-A of the Motor Vehicles Act, and accordingly, the appellant no.2 is entitled to statutory compensation under the Act. 12. Coming to the issue of the quantum of compensation, learned counsel for the respondent-**

Insurance Company submitted that the amount payable at the time of the accident was Rs.1,00,000/-(Rupees One Lakh). However, it is not disputed that as per the 2018 amendment, the amount has been enhanced to Rs.5,00,000/-(Rupees Five Lakhs). Thus, in the light of the settled principle that in case of a beneficial legislation, the law prevailing at the time of adjudication, if more favourable, is to be applied, we hold that the appellant no. 2 is entitled to compensation of Rs.5,00,000/- (Rupees Five Lakhs), as per the amended provision. 13. Accordingly, the respondent-Insurance Company is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs) to appellant no.2, along with interest at the rate of 6% per annum from the date of filing of the claim petition, till the date of payment. The amount shall be paid within two months from today, failing which, the rate of interest shall be enhanced to 9% per annum.

- (25) Therefore, claimant of MACP No.70/2017 is entitled for the amount of Rs.2,50,000/- as the compensation with interest @ 4% from the date of filling of the petition to till the realization of the amount.

Calculation of Compensation for MACP No. 58/2015 :-

- (26) For the determination of compensation, the decision of Rajkumar is also helpful. Hon'ble Apex Court in para 13 held that "13. We may now summarise the principles discussed above : (i) All injuries (or

permanent disabilities arising from injuries), do not result in loss of earning capacity. (ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability). (iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety. (iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

(27) On considering the principles with the factual aspect of the case on hand following calculation is necessary for determination of compensation.

Sr. No.	Particulars	Calculation	Total amount
1	Income of deceased	7238 * 12	86,860-80
2	Unmarried	i.e 1/2 deduction from income	43,430-40
3	Income after		43,430-40

	deduction		
4	Age of deceased	18 years	Multiple-18
5	Income after application of multiplier		7,81,747/-
6	Future earnings on the base of self employed person	40%	3,12,699/-
7	Income after addition		10,94,446/-
8	Loss of estate		15,000/-
9	Loss of consortium	40,000/- * 2	80,000/-
10	Funeral expenses		15,000/-
11	Medical Expenses		0
12	Total amount of compensation		12,04,446/-
13	<u>Awarded amount</u>		12,05,000/-

(28) Thus, the answer of the issue No.1 to No.3 are given partly in affirmative against all the opponents and the total amount of compensation is decided for Petition as mentioned in above table as well as para mentioned in para No. 25 with interest @ 4% p.a. from the date of filling of the petition to till the realization of the amount.

Mode of Payment of Compensation :-

(29) It is the general view of this tribunal to award total compensation in cash payment to major claimant relying on decision of Hon'ble High Court of Allahabad in case of National Insurance Co. Ltd. vs Smt. Anuradha Kejriwal And 4 decided on 13 April, 2021 passed

in FIRST APPEAL FROM ORDER No. - 2103 of 2017 by Bench: Kaushal Jayendra Thaker, Ajit Singh reported in 2021 SCC OnLine All 269 and **Case no. – SLP (Crl.) No. 9264/2019 Case Title – The Law Association v. Director General Of Police Citation : 2024 LiveLaw (SC) 499.**

Method of payment :-

(30) It is further opinion of this tribunal that as per the recent decision of Hon'ble Apex court in Bajaj Allianz General Insurance Company Private Ltd. vs. Union of India [WPC 534/2020] Coram: Justices Sanjay Kishan Kaul and MM Sundresh Citation : LL 2021 SC 662 and PARMINDER SINGH VERSUS HONEY GOYAL AND OTHERS **Citation : 2025 LiveLaw (SC) 318**, the payment method should be as possible as to easy to the claimant and immediate manner and directly in Bank Account of claimant, **resultant, following final order is required to pass.**

FINAL ORDER

1. Both the petitions are partly allowed with costs against the opponents No.1 to 3 (i.e. driver, owner and insurer of Swift Car No. GJ 27 K 8341) and other opponents are exonerated from liability.
2. Opponents No.1 to 3 (i.e. driver, owner and insurer of Swift Car No. GJ 27 K 8341) jointly and severally do pay the amount of compensation with interest at the rate of 4% per

annum, from the date of registration of claim to till the realization of the amount in following manner.

Sr. No.	MACP NO.58/2015	MACP NO. 70/2017
1	12,05,000/-	2,50,000/-

3. The opponents No.1 to 3 (i.e. driver, owner and insurer of Swift Car No. GJ 27 K 8341) jointly and severally do pay cost of the claimant and also bear that of their own.
4. The opponents No.1 to 3 (i.e. driver, owner and insurer of Swift Car No. GJ 27 K 8341) jointly and severally are ordered to deposit the amount of total compensation within three month from the date of this order.
5. In case of failure of opponents in depositing the amount, the claimant shall be entitled for the execution of award as per the direction given by Hon'ble Supreme Court in **Case: Rahul S Shah vs. Jinendra Kumar Gandhi [CA 1659-1660 of 2021]** Coram: CJI SA Bobde, Justices L. Nageswara Rao, S. Ravindra Bhat Counsel: Adv Shailesh Madiyal, Adv Paras Jain Citation: LL 2021 SC 230. If the applicant will apply for the attachment warrant of property or arrest warrant of the opponent then warrant shall be issued immediately on payment of necessary allowance.

6. **Claimant shall be free to execute the award by the issuance of the certificate u/s. 174 of M. V. Act directing the Collector to recover the the same in the same manner as an arrears of land revenue.**
7. On depositing of the compensation by opponent, after deducting the court fee if any levied on claim, it shall be disbursed to claimants in through RTGS or any convenient method to account department of this court and it must be paid directly in bank account of the claimant after deduction of court fees if any levied in following manner.

Sr. No.	Claimant in MACP No.58/2015	Disbursement of amount
1	1	50% in cash payment
2	2/1	10% in cash payment
3	2/2	10% in cash payment
4	3/1	15% in cash payment
5	3/2	15% in FDR till majority with liberty to withdraw the periodical interest by No.3/1 without permission to draw any OD or loan without the permission of this court.
6	Claimant in MACP No. 70/2017	100% in cash payment

8. Claimant is ordered to produced his information relating to bank account with the proof of first page of his passbook or

bank statement having account number and IFSC Code as immediate manner.

9. There shall not be the necessity to file separate payment proceedings by the claimants or to pass separate payment order more over this order after depositing of amount by opponents.
10. If there is question before the Nazir Branch for the need of disbursement voucher, the branch shall be considered the payment advice filed by the opponent as the payment voucher and in case of having any need for institution of application through the number for the record of court, MACP branch shall entered that voucher as the miscellaneous petition and after receiving it, shall send it for the payment to Nazir-branch.
11. The Branch is directed to send the payment yadi after referring all necessary particulars as desired by the Account Branch on receiving of payment advice without putting payment order before me for my signature. The copy of Pan Card and Copy of Bank Account filed by the claimant in present litigation, is ordered to be sent to with the yadi.
12. Madras High Court in case of M/S. Cholamandalam Ms Genl Ins Co Ltd vs Mr. Ayyannar S (Mcop No. 5259 Of 2019) decided on 11 May, 2020 passed in Tr.CMP.Nos. 264 to 271 of 2020 held that there is no provision for drawing of decree after the award passed by the tribunal and the same

provision is also contained in Rule 233 of The Gujarat Motor Vehicles Rules 1989, therefore, there is no need to draw separate decree.

Pronounced in the open Tribunal today this 12th August 2026.

Date:12/8/2026

Place - Deesa

(Shilpa Mansukhlal Kanabar)

5th Additional District Judge

Motor Accidents Claim Tribunal (Auxi)

Banaskantha at Deesa

CODE - GJ00814

PROCEEDINGS

12/8/2026	Matter is listed for judgment
37	Judgment declared today
	Disposed off accordingly

(Shilpa Mansukhlal Kanabar)
5th Additional District Judge
Motor Accidents Claim Tribunal (Auxi)
Banaskantha at Deesa
CODE - GJ00814