

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL(AUXI).  
Halol, Dist. Panchamahals**

MACMA NO. 718/2022  
MACP NO. 1003/2017

Petitioner :- Mohanbhai Saburbhai Baria.

VERSUS

Respondents :- ICICI Lombard General Insurance Co. Ltd.

**:: ORDER BELOW EXH. - 1 ::**

1. The applicant has filed the present application for disbursement of the amount deposited by the opponent Insurance Company as per the Order passed by the Hon'ble High Court of Gujarat in Civil Application (For Stay) No.2 of 2019 in R/First Appeal No.4428 of 2019 and the applicant has also produced the copy of the said order.

2. Originally MACP No.1003/2017 was filed by (1) Mohanbhai Saburbhai Baria (2) Jayantaben Mohanbhai Baria for getting compensation on account of death of Ishwarbhai Mohabhai Baria in vehicular accident. In the said MACP No.1003/2017, M.A.C.T. (Auxi) & 4<sup>th</sup> Additional District Judge, Halol, Dist.Panchmahal was pleased to partly allow the said MACP and granting compensation to the claimants. However, being aggrieved by the said judgment, the opponent Insurance Company preferred First Appeal No.4428 of 2019 before Hon'ble High Court of Gujarat and in the said First Appeal, the Civil Application (For Stay) No.2 of 2019 was also filed, wherein the Hon'ble High Court of Gujarat passed following order on dtd.20.01.2022 :

"5. The Tribunal is directed to disburse 30% of the amount deposited by the Insurance Company to the original claimant/s through an A/c Payee cheque, after ascertaining the identity. Remaining 70% of the amount deposited by the Insurance Company to be invested in a cumulative Fixed Deposit. No any encashment, loan or advances shall be granted over the same by anyone without the permission of the Court. The original Fixed Deposit receipt be kept in the custody of the Nazar of the Court.

6. In view thereof, the impugned judgment and award passed by the Tribunal in concerned First Appeals are hereby stayed till final disposal of these appeals."

Therefore, it appears from the above order of Hon'ble High Court that the impugned judgment and award passed by the Tribunal has been stayed by Hon'ble High Court.

3. Further, it is stated in present application that applicant No.2 Jayantaben Mohanbhai Baria died on dtd.25.05.2017 and her death certificate has been produced herein. The pedigree of Mohanbhai Saburbhai Baria is also produced on record. Further, it appears that Rayajibhai Mohanbhai Baria, Dholiben Mohanbhai Baria, Ramilaben Gulabbhai Dharva who are legal heirs of Jayantaben have given their no objection by filing their respective affidavits, in case, share of their mother Jayantaben Mohanbhai Baria is paid to the applicant No.1 i.e Mohanbhai Saburbhai Baria. Therefore, it is appropriate to give share of deceased Jayantaben Mohanbhai Baria to applicant No.1.

4. The Nazir of the Addl. District Court Halol has also made an endorsement that the opponent insurance company has deposited the amount of Rs.9,10,731/- as per the award of the Tribunal and its entry is made in C. Register vide entry Nos.367, Date.06-12-2021.

5. The Id. Advocate for the opponent insurance Company has made endorsement that he has no objection if the amount of compensation is paid to the applicant as per direction of Hon'ble High Court of Gujarat.

6. In view of the above stated facts, it is hereby directed to disburse the amount in favor of the applicants as per the order dated 20.01.2022 passed by the Hon'ble High Court of Gujarat in Civil Application (For Stay) No.02 of 2019 in R/First Appeal No.4428 of 2019.

Pronounced today on this Date 11/01/2023 at Halol.

Date : 11/01/2023  
Place : Halol

(L.G.Chudasama)  
3<sup>rd</sup> Additional District & Sessions Judge &  
Motor Accident Claims Tribunal (Auxl.)  
Halol, Panchamahals