

::- DECREE/AWARD IN ORIGINAL APPLICATION ::-
Order 20, Rule 6 & 7
BEFORE THE HON'BLE MOTOR ACCIDENT CLAIMS TRIBUNAL,
AT: GANDHIDHAM -KUTCH

.....
MACP NO. 43/2023
Exh.42/A

Applicants :

Legal Heirs/Dependents of the Deceased
Lakshman Ghucha Urav (Uraon)

- (1) Kiran Devi Lakshman Urav (Uraon)**
Age : 42 years, Occupation : Household,
- (2) Santoshi Kumari Lakshman Urav (Uraon)**
Age : 19 years, Occupation : Household,
- (3) Poonam Kumari Lakshman Urav (Uraon)**
Age : 17 years, Occupation : Study,
- (4) Neelam Kumari Lakshman Urav (Uraon)**
Age : 14 years, Occupation : Study,
- (5) Manoj Lakshman Urav (Uraon)**
Age : 12 years, Occupation : Study,

The applicant No. 3 to 5 being minor through natural guardian and mother applicant No.1

Originally resident of Village : Seraka,
Hadadha Doli, Bishunpur, Gumala,
Jharkhand,
Presently residing at Village : Galpadar,
Gandhidham-Kachchh.

Versus

Opponents :

- (1) Bhaveshbhai Mohanbhai Vaghamshi**
(Owner of Mixer Vehicle No.GJ-12-CM-1406)
Residing at Village : Shinay, Shop No. 4,
Ground Floor, Plot No. 9 to 11, Sai Complex,
Shinay, Gandhidham-Kachchh.
- (2) United India Insurance Co. Ltd.**

(Owner of Mixer Vehicle No.GJ-12-CM-1406)
2nd Floor, Plot No.323, Chandan Square,
Ward : 12/B, Tagore Road,
Above Croma Retail Store,
Gandhidham-Kachchh.

Application Filled on 17.04.2023
Application Registered on 17.04.2023

1. The present claim petition is preferred under section 166 of the Motor Vehicle Act, 1988 getting compensation of Rs. 52,00,000/- for the deceased Lakshman Ghucha Urav (Uraon), husband of claimant No.1 and father of claimant No. 2 to 5 died in vehicular accident occurred on dt. 15/10/2022.
2. The factual matrix leading to the present proceedings are as under :
 - 2.1 That on 15/10/2022, the deceased Lakshman Ghucha Urav (Uraon) was engaged in construction work (a drainage structure) near Narmada Canal, behind Hotel Way-Wait, near Chhadwada. At that time, the driver of Mixer Vehicle No. GJ-12-CM-1406, owned by Opponent No. 1, drove the said mixer vehicle at high speed and in a negligent manner, hitting the deceased and causing an accident. As a result of the accident, the deceased sustained severe bodily injuries and was immediately taken to Disha Life Care Hospital, Bhachau for treatment. The attending medical officer declared that his injuries were serious, so he was immediately transferred to Gandhidham Jain Seva Samiti Hospital for further treatment. Upon examination, the medical officer declared him died. It is further submitted that the accident was occurred due to the sole negligence on the part of the driver of Mixer Vehicle No. GJ-12-CM-1406 and therefore, the opponent No.1 & 2 being the owner and insurer of the driver of Mixer Vehicle No. GJ-12-CM-1406 are jointly and/or

severally liable to pay compensation. That FIR was lodged against the driver of driver of Mixer Vehicle No. GJ-12-CM-1406 before Bhachau Police Station vide CR.No. 11993004220432/2022 dtd. 17/10/2022 by Prashantbhai Bharatbhai Vaishnav.

The Opponent No. 2 have filled their reply at Ex-18

The issued are framed at Ex- 15

The Matter was placed before Hon'ble Shri A.M.Memon Saheb, Motor Accident Claims Tribunal (Auxi-4.), Gandhidham-Kachchh in presence of Mr.S.R.Thakkar Advocate for the applicant and Mr.M.S.Khandeka Advocate for the opponent No.1 and Mr.A.A.Sahedani Advocate for the opponent No.4 pass decree on Date.12.09.2025

ORDER

- (1) The claim petition is hereby partly allowed.
- (2) The claimants are entitled to recover the amount of **Rs.15,32,500/- (Rupees Fifteen Lakhs Thirty Two Thousand Five Hundred Only)** with proportionate cost and with interest at the rate of 9% per annum from the date of claim petition till realization from the opponent No. 1 & 2 who are jointly and severally liable.
- (3) The opponent No. 1 & 2 are directed to deposit awarded amount within 30 days of the order.
- (4) Deficit Court fee stamp if any be recovered from the awarded amount and interim amount if paid be adjusted accordingly.

- (5) Out of the total amount of compensation, 60% amount of compensation shall be paid to the claimant No.1 and 10% each amount of compensation shall be paid to the claimant No. 2 to 5.
- (6) On deposit of the amount in the registry of this Tribunal, registry is directed to first deduct the amount of deficit Court fees, if any. Out of the remaining amount 40% amount shall be paid to the claimant by account payee cheque and remaining 60% amount be kept as Fixed Deposit Receipt in any Nationalized/Scheduled Bank of the choice of the claimants, for the period of 5 years. The claimant shall be entitled to receive interest on the said Fixed Deposit Receipt. The concerned bank shall not advance any loan or enter into any transaction with regard to the said Fixed Deposit Receipt.
- (7) The entire 10% each amount of compensation shall be paid to the claimant No. 3 to 5 be kept as Fixed Deposit Receipt in any Nationalized/Scheduled Bank of the choice of the claimants, for the period of 5 years or till the claimant attain the age of majority, whichever is later. The claimant shall be entitled to receive interest on the said Fixed Deposit Receipt. The concerned bank shall not advance any loan or enter into any transaction with regard to the said Fixed Deposit Receipt.
- (8) The insurance company shall deposit the amount in Account Name : MACT JOINT DISTRICT COURT GANDHIDHAM, A/c. No. 00000040765394224, IFSC CODE : SBIN0000373, MICR CODE : 370002001, CIF NO. 90906852301 and on such deposits being made, the Insurance Company.

Opp. Have to pay the Costs of Plaintiff **Rs.24,656/-** applicants from to day till the amount is to be paid to the Applicants of with interest per annum.

TABLE OF COSTS

	Applicant			Opponents	
	Applicant	Rs. Ps.		Opponent	Rs. Ps.
1	Stamps of Plaintiff	03	1	Stamps of Plaintiff	03
2	Court Fee to be recovered.	15,000	2	Pleader's Fee	9,637
3	Stamp of Vakalatnama	03	3	Subsistence for witness	-
4	Do. for Exhibits	-	4	Commissioner Fee	-
5	Pleader's Fee	9,637	5	Service of Process	-
6	Subsistence for Witness	-			-
7	Commissioners Free	-			-
8	Service of Process	13			-
9	Printing Charges	-			-
	Total Rs.	24,656		Total Rs.	9,640
	Non Granted Costs	-		NonGranted Costs	-
1	On Plaintiff	-	1	On Opp. Plaintiff	-
2	Pleaders Fees	-	2	Pleaders Fees	-
3	Process Fees	-	3	Process Fees	-
	TOTAL	NIL		TOTAL	NIL
	Remain Amount	24,656		Remain Amount	9,640

Given under my, hand and the seal of court this day of 12.09.2025.Examined and found to be in order

Dy.Registrar
M.A.C.T.(Auxi.)
Gandhidham-Kachchh

Assistant

(A.M.Memon)
M.A.C.T.(Auxi.4)
Gandhihdham-Kachchh