

ORIGINAL AWARD
BEFORE MOTOR ACCIDENT CLAIMS TRIBUNAL (AUX.),
AT VADODARA.

M.A.C.P. NO. 405 / 2018

Ex.22

CLAIMANT :

AGE

OCCUPATION

Radhadevi Ramsevak Vishwakarma
**(Amended as per order
 passed below Ex.14)**

19

Household

Residing At:-

C/90, Rajdeep Society
 Nr. Jalanand Township,
 Panchvati, Gorwa, Vadodara

V/s.

1. Pravinkumar Maheshbhai Damor Adult Driver

Residing at:-

Surpur, Tal. Santrampur
 Dist. Mahisagar

2. Gujarat S.T. Corporation
 c/o Divisional Controller

Office at:-

2nd Floor, Office of Gujarat S.T. Corporation
 Nr. Chakali Circle,
 Vadodara

3. Vipulkumar Kishorbhai Nanderiya 30 Driver/owner
 (Driver/owner of the motorcycle
 bearing registration No. GJ-6-EB-1589)

4. The New India Assurance Co. Ltd.

Office at:-

7th Floor, Suraz Plaza Building

Sayajigunj, Vadodara

APPEARANCE :

- Ld. Advocate Mr. A.N.Thakkar for the applicant in all the petition
- Ld. Advocate Mr. H.F.Makwana for the opponent Nos. 1 & 2 in all the petition
- No body appeared for the opponent No.3 in M.A.C.P No. 405/2018 & 406/2018
- Ld. Advocate Mr. R.J.Shukla for the opponent No.4 for M.A.C.P No. 405/2018 & 406/2018

Sub : Claim Petition filed U/s.166 of the M.V. Act,1988 to get Compensation of Rs.5,00,000/- in M.A.C.P No. 405/2018, Rs.2,00,000/- on M.A.C.P No. 406/2018 & Rs. 5,00,000/- in M.A.C.P Nno. 407/2018

Brief facts of the case are as under,

It has been the case of the claimant that on 07/05/2018 the minor claimant was going on the motorcycle bearing registration No. GJ-6-EB-1589 of the opponent No.3 as a pillion rider and the motorcycle was being driven by the opponent No.3 at slow speed and by obeying the traffic rules and proceeding towards Maneja from Sushen Char Rasta, at that time, the opponent No.1 came driving S.T. Bus bearing registration No. GJ-18-Z-48 at full speed and in rash and negligent manner without using side signal or horn and dashed it with the motorcycle which was driven by the opponent No.3, due to which, the applicant had sustained fracture in the left leg thigh and also sustained fracture on second and third finger of the left leg and also

sustained injuries on the different part of the body. It has been further stated that the accident had taken place due to negligence of the opponent No.1. That, the applicant was taken to Makarpura Hospital, where, he was admitted as an indoor patient for the period from 07/05/2018 to 10/05/2018. It has been stated that at the time of accident, the applicant was minor and was studying in standard 10th. That, the F.I.R was lodged against the driver of the bus. That the applicant had incurred medical expenses to the tune of Rs. 1,00,000/-. Thus, with the aforesaid contentions, this claim petition has been filed.

That the Common Judgement has been passed on dated 16th April, 2024 vide Exh 68 before this Court i.e THE MOTOR ACCIDENT CLAIMS TRIBUNAL, VADODARA in presence of Ld. Advocate Mr. A.N.Thakkar on behalf of Claimant, Ld. Advocate Mr.H.F.Makwana for Opp. 1 & 2, No body appeared for the Opp. No. 3 and Ld. Advocate Mr. R.J.Shukla for the Opp. No. 4

: ORDER :

1. The present claim petition is hereby partly allowed.
2. The opponents are jointly and severally held liable to pay compensation to the claimant.
3. The opponent Nos. 1 to 4 are hereby ordered to pay the amount of **Rs.4,96,373/- (Rupees Four Lakhs Ninety Six Thousand Three Hundred Seventy Three Only)** to the claimant of **M.A.C.P No. 405/2018**, jointly and severally, together with proportionate costs and

with interest @ 9% p.a. from the date of filing the claim petition till realization.

4. The opponent No.1 to 4 are hereby ordered to pay the amount of **Rs. 1,54,443/- (Rupees One Lakh Fifty Four Thousand Four Hundred Fourty Three Only)** to the claimant of **M.A.C.P No. 406/2018**, jointly and severally, together with proportionate costs and with interest @ 9% p.a. from the date of filing the claim petition till realization.
5. The opponent No.1 & 2 are hereby ordered to pay the amount of **Rs. 6,78,180=00 (Rupees Six Lakhs Seventy Eight Thousand One Hundred Eighty Only)** to the claimant of **M.A.C.P No. 407/2018**, jointly and severally, together with proportionate costs and with interest @ 9% p.a. from the date of filing the claim petition till realization.
6. As per directions passed by the Hon'ble Supreme Court of India in **W.P. (Civil) No. 534 of 2020 (Bajaj Alianz General Insurance Company Private Ltd. V/s. Union Of India and Others**, the opponents of the claim petition are hereby directed to deposit the said amount by **RTGS/NEFT in Account No.40746217906 with State Bank of India, District Court Branch, Vadodara, [IFSC – SBIN0018839, Branch Code – 18839]**.
7. Out of the above amount of compensation, at the first, the amount of court-fees, if not paid and then, the amount of interim compensation, if any paid to the petitioner under the principle of No-Fault-Liability, be adjusted.

8. The opponents shall deposit the amount of compensation within 30 days from today before this Tribunal.
9. On deposition of awarded amount, detailed disbursement order will be passed.
10. The opponents shall follow the guidelines of the Hon'ble Gujarat High Court in case of **Hansagauri Prafulchandra Ladhani V/s. Oriental Insurance Co. Ltd.(2007 ACJ 1897)**, with regard to the Income Tax Liability.
11. Opponents to bear the costs of the claimant and also bear their own costs.
12. Award be drawn accordingly.

Signed and Pronounced in the Open Court today on this
16th day of the month of April, 2024.

Date: 16/04/2024

Place: Vadodara.

sd/-
(**Madhuri Dhruvkumar Pandey**)
M.A.C. Tribunal (Aux.),
Vadodara.
Code No. GJ-01542

BILL OF COST

Sr.No	Expense of applicant	Rupees	Expense of Opponent	Rupees
1	Court Fee Stamp	7300/-		-
2	Stamp on Vakalatnama	3/-		3/-
3	Stamp of Ex 6	10/-		-
4	Advocate Fee	4457/-		4475/-
5	Allowance of witness	-		-
6	Process fee	00/-		-
	Total	11770/-		4478/-

Court Fee Which is Payable by Applicant	7300/-
Court Fee Which is Paid by Applicant	00/ -
Court Fee Recovered from the Applicant	7300/-

Pronounced and signed in Open Court today 16th April 2024 at vadodara.

Assistant

Sr. Clerk

(M.D.Pandey)
MACT (Aux.)
Vadodara.
(GJ-01542)