# ORDER BELOW Exh-1 IN M.A.C.P.NO.:- 40 / 2023

The applicants and opponent No.3 have arrived at a compromise to settle the claim for Rs.14,50,000/- (Rs. Fourteen Lakhs Fifty Thousand Only) and hence the award is passed in terms of the compromise pursis at Exh.-17. The claim against the other opponents shall stand dismissed.

The claim petition is disposed off with the following conditions.

1 The claim petition is allowed and an award of the amount of Rs.14,50,000/- (Rs. Fourteen Lakhs Fifty Thousand Only) is passed on the basis of the compromise arrived at between the parties and recorded at Exh.-17

2 The amount of interim compensation, if any paid, be deducted from the final amount of the award.

3 The opponent No.3 is hereby directed to comply with the provisions of Section 194A of The Income Tax Act and deposit the aforesaid amount of award after deducting the amount of interim compensation, if any paid u/s.140 of M.V. Act, directly by RTGS or NEFT to the following Bank Account of this Tribunal.

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|---|---|
| Account Name | Motor Accidents Claims Tribunal, Surendranagar. |
| Account No. | 40714211695 |
| Name of Bank | State Bank of India |
| Name of Branch | Vadipara, Surendranagar. |
| IFSC Code | SBIN0060101 |
| MICR Code | 363002002 |

The opponent shall instruct its Bank to remit the payment with the following information ;

| | |
|---|---|
| MACP No. | |
| Claims Tribunal Name, Place | |
| Date of Award | |
| Compensation Amount | |
| Income Tax Deducted at Source | |
| Bank Transaction Reference No./Unique Transaction Reference (UTR) No. | |
| Name of Bank | |
| Name of Insurance Co. | |

On such deposits being made, the opponent shall submit a letter to the Office of the Claims Tribunal enclosing a copy of the bank advice in the prescribed format as above.

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The opponent making such deposit, shall also send a copy of the aforesaid payment advice to the Claims Tribunal concerned and serve a copy of the same on the applicants or their advocate as the case may be.

Insofar as tax deduction at source is concerned, Form 16-A of the IT Act should be provided to the applicants on whose behalf the deduction has been made so as to enable them to seek refund of the tax deducted.

The applicant Nos.1 to 4 are entitled to get 70%, 10%, 10% and 10% respectively of the amount of compensation. After such apportioned, so far as the shares of the major applicant No.1 is concerned, 60% amount be kept in Fixed Deposit Receipts in the name of the said applicant in any nationalized bank of her choice, for a period of five years and remaining 40% amount be paid by NEFT or RTGS directly in the bank account of the said applicant after due verification.

So far as the shares of the minor applicant Nos.2 to 4 are concerned, the amount of their total shares be kept in Fixed Deposit Receipt in the names of the said minor applicants through their guardian i.e. the applicant No.1 in any nationalized bank of her choice, for a period of five years or till minor attains majority whichever is later.

The petitioners shall be entitled to withdraw periodical interest on the fixed deposit which shall accrue from time to time, but shall not be entitled to encash the F.D.R. without prior permission of this Tribunal. Necessary intimation be given by letter to the concerned bank with a direction to the bank, not to allow any loan or any encumbrance on the F.D.R.

4 Court Fees if any be refunded as per rules.

5 No order as to costs.

6 Award be drawn accordingly.

Date : 09/09/2023.
Place: Surendranagar.

**(Pratapdan S. Gadhavi)**
Chairman, (GJ00440)
M.A.C. Tribunal - Main,
Surendranagar.