GJSK180010402022

ORDER PASSED BELOW Ex. 1 in MACP No.40 of 2022:

1. Heard Learned Advocates for the parties. Read the order passed below Ex.14 i.e. compromise pursis. Perused record of the case. The parties have made to the satisfaction regarding the compromise of Rs.6,50,000/- (Rupees Six Lakhs Fifty Thousand Only). The compromise is recorded as per order below Ex.14.

2. The opponent - Insurance company shall deposit the amount of compensation as per compromise within 30 days from the date of this order.

3. As per the section 21 of the Legal Services Authority Act 1987, where a compromise or settlement has been arrived at, by a Lok Adalat in case referred on it under sub-section (1) of Sec. 20, the Court fee paid in such case shall be refunded in the manner provided under the Court Fees Act-1870 (7 of 1870). It is provided in the Sec. 16 of Court Fees Act- 1870 that where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the plaintiff shall be entitled to a certificate from the court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint. Hence, no Court fee is required to be deducted in this case and if any court fee is paid, the claimant is entitled to get full refund of the same.

4. The Opponent shall deposit the awarded amount in the Bank Account of this Tribunal having **Account No.36980194264 and IFSC No.SBIN0000385** in the name of “Motor Accident Claims Tribunal (MACT) Idar " with State Bank of India, Idar Branch, Idar by NEFT or RTGS mode.

5. The Opponents shall instruct their Bank to ensure deposit of the awarded sums by way of Direct Bank Transfer to the specified Bank account of the Claims Tribunal containing the following information in the prescribed format, by way of compliance of the award.

6. M.A.C.P. Number on the file of (Claims Tribunal Name), Date of Award, Compensation Amount, Income Tax Deduction at Source Bank Transaction Reference No./Unique Transaction Reference (UTR) No.

7. On such deposits being made, the opponents shall submit a letter to the Registry of Additional District Court, Idar enclosing a copy of the said bank advice as per which the deposit was made to the Bank account of the Claims Tribunal, to enable the Claim Tribunal to keep tab on the deposits made and the MACP for which they are made, which is fundamental need for smooth implementation. The payment advice for remittance of compensation is to be send by bank so that this Tribunal can confirm it.

8. The opponents making such deposit, shall also send a copy of the payment advice to this Claim Tribunal and also serve a copy of the same to the claimant or their counsel as the case may be.

9. The Ld. Advocate of the claimants has given pursis vide Ex.15 and submitted that the claimants have compromised the matter with the insurance company. So, entire amount may be paid in cash to the claimants. But it is not reasonable. Hence, it is rejected.

10. The disbursement order be made at the time of payment.

11. Award is drawn in terms of compromise accordingly.

12. Award be drawn accordingly.

Signed and Pronounced in today's **National Lok Adalat** on 09th day of September-2023.

Place : Idar

Date:09/09/2023

(Mrs.Falguni Saumil Parikh)
GJ00721

Motor Accident Claims Tribunal (Auxiliary)
2nd Additional District Court

Sabarkantha @ Idar

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