

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18284 of 2018**

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NATIONAL INSURANCE COMPANY

Versus

SUREKHABEN PRAVINBHAI PATIL & 5 other(s)

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Appearance:

MR DAKSHESH MEHTA(2430) for the Petitioner(s) No. 1

HCLS COMMITTEE(4998) for the Respondent(s) No. 1,2,3,4,6

MR SAURABH M PATEL(5019) for the Respondent(s) No. 1,2,3,4,6

NOTICE SERVED BY DS(5) for the Respondent(s) No. 5

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CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA****Date : 10/12/2019****ORAL ORDER**

1. Heard learned advocate Mr. Dakshesh Mehta for the petitioner and learned advocate Mr. Saurabh M. Patel for the respondents nos.1 to 4 and 6.

2. Learned advocate for the petitioner submitted that in the claim petition, being Motor Accident Claim Petition No.592 of 20018, filed by the respondents nos.1 to 4, name of respondent no.6 is shown as owner of the vehicle being Toyota Qualis Car No. GJ-5-CD-1166. It was submitted that the said claim petition was settled in Lok Adalat on 12.11.2016 for Rs.6,25,000/-. Out of awarded amount of Rs.6,25,000/-, 60% amount was invested in Fixed Deposit in Nationalized Bank and remaining 40% amount was disbursed to the respondents nos.1 to 4, as per the decree passed by the Motor Accident Claims Tribunal (Auxi.), Surat on 12.11.2016, pursuant to the settlement arrived at in Lok Adalat.

3. Learned advocate for the petitioner further submitted that during vigilance audit carried out by the petitioner, it was found that the person, who has expired i.e. Pravinbhai Gokulbhai Patil, was the owner of the aforesaid vehicle involved in the accident and not the respondent no.6. Learned advocate for the petitioner therefore, prays for time to place on record the Registration Book (RC Book) and Insurance Policy of the aforesaid vehicle with affidavit of the authorized person of the petitioner-insurance company to demonstrate that the deceased-Pravinbhai Gokulbhai Patil was owner of the aforesaid vehicle and not the respondent no.6 as mentioned in the claim petition filed by the respondents nos.1 to 4.

4. In view of the aforesaid fact situation, respondents nos.1 to 4 are hereby directed to deposit 40% amount disbursed to them pursuant to the aforesaid order dated 12.11.2016 passed in the settlement decree by the Tribunal before the next returnable date before the Tribunal.

5. Stand over to **10th January, 2020.**

(BHARGAV D. KARIA, J)

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