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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.289 OF 2025

1. Mr. Delip (Raju) Ragu Naik,
Son of late Shri Raghu Naik
Aged 58 years of age,
self employed, Indian national,
married to (amended as per order dtd. 22/7/24)

2. Mrs Deepa Delip Naik
Wife of Mr. Delip Naik,
53 years of age, housewife,
Indian national
both residing at H. No. 53/F
Chovkivaddo, Carmona,
Salcete Goa

... Petitioners.

Versus

1. State of Goa
Through Chief Secretary
Porvorim-Goa

2. Shri Prakash Revanasiddappa Doosal,
Driver of the vehicle
Son of Shri Revanasiddappa Doosal
29 years of age, Indian National,
Driver, Resident of A.P. Abbigeri,
Taluka Roa, Gadag, Karnataka, 582111

3. Shri Ashok D. Bepari
(owner of truck no. KA-63-5280)
Son of Shri Devalwab Bepari, Major in age,
Indian national Businessman, resident of
MS Bepari, Road Lines Near

Gajanan Weigh bridge,
Old Hubali, Karnataka, 580024

4. SBI Genaral Insurance Having
office at Natraj 101,201,301,
Junction of western express highway
And Andheri kurla road,
Andheri Esat Mumbai,
Mumbai Maharashtra, 400069

... Respondents.

Mr. Sahil Sardesai (through V.C.) with Ms. Harsha Pai,
Advocates for the Petitioners.

Mr. Suhas Parab, Additional Government Advocate for the
State.

CORAM: VALMIKI MENEZES, J.

DATED: 23rd July, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. This is a Writ Petition challenging an order dated 23.12.2024 passed by the Motor Accident Claims Tribunal, Margao (MACT), directing the Registry of the Tribunal to release the entire amount to the credit of the Claimant/Petitioner herein on condition that the Petitioner pays the requisite Court fees for the Claim Petition, prior to the release of such amount. The condition precedent for deposit of Court fees, is what is the subject matter of the petition.
3. In the present case, the matter was settled before the District

Lok Adalat organized by the South Goa District Legal Services Authority. The Consent Terms arrived at were treated as an Award dated 23.10.2024, in terms of Section 21 of the Legal Services Authorities Act, 1987.

4. Under Section 21 of the Act, an Award of the Lok Adalat would entitle the Claimant for a refund of the Court fees paid in such matter, in the manner provided by the Court Fees Act, 1870.

5. Under Section 16 of the Court Fees Act, 1870, matters which are disposed of by a settlement, including those by an Award under Section 21 of the Legal Services Authorities Act, would entitle the Claimants to a refund of the Court fee. The manner described under Section 16 of the Court Fees Act for seeking such refund is by a certificate being issued by the Court passing the Award, in favour of the Claimants, authorising the Claimants to receive back from the Collector the full of fee paid in respect of such plaint/claim petition.

6. In the present case, the Motor Accident Claims Tribunal has rightly directed the Petitioner to pay Court fees as a condition precedent for the release of the amount due under the Award. This would in no manner disentitle the Claimant from applying for a certificate from the MACT, as prescribed under Section 16 of the Court Fees Act, to enable the Claimants to seek a refund of the Court fees directed to be paid by the MACT.

7. A Division Bench of this Court in Suo Motu Writ Petition No.1/2013 (... v. The Chief Secretary, Government of Goa & Anr.); reported in 2014 1 MhLJ 925, has after referring to the scheme of the Legal Services Authorities Act and the Court Fees Act, held as under:

“16. On going through the provisions of the said Act of 1987, an Award passed by the Lok Adalat is deemed to be a Decree of a Civil Court and in terms of Section 21 of the Legal State Authorities Act of 1987, the Court fees paid in such cases shall be refunded in the manner provided under the Court Fees Act, 1870. Hence, reading of the provisions referred to herein above, there is no distinction between a Civil suit settled before the Lok Adalat and the Claim Petition filed under Section 166 of the Motor Vehicles Act, 1988, which is settled before the Lok Adalat as both are Decrees of Civil Court. As pointed out herein above, on reading the definitions of the “Court” under the said Act of 1987, it includes the Tribunal and a Claim Petition is included in the definition of a case. The fees referred to under Section 16 of the Court Fees Act, 1870, would include the fees paid by claimants whilst filing Claim Petitions in terms of the provisions of the Motor Vehicles Act.

17. In view of the above, the issue raised by the learned Registrar(Judicial) of this Court in the submissions dated 19.07.2013, is answered holding that the claimant is entitled to a certificate from the Court which has referred the matter to the Lok Adalat to receive the full amount of the Court-Fees/fees from the Collectorate in terms of Section 21 of the Legal State Authorities Act, 1987 read with Section 89 of the Civil Procedure Code, 1908, and read with Section 16 of the Court-Fees Act, 1870. Hence, when Claim Petitions are settled before the Lok Adalats, the Tribunal referring the matters before such Lok Adalats shall issue certificates for refund of such fees in compliance with the provisions of

Section 16 of the Court-Fees Act, 1870, so as to enable the claimants to receive such refund from the respective Collectorate.”

8. In terms of the observations made in para 17 in ... *v. Chief Secretary* (supra), every Claims Tribunal shall issue a certificate for refund of the Court fees paid by the Claimants in terms of Section 16 of the Court Fees Act, to enable the Claimants to receive such refund from the concerned Collector.

9. For reasons stated above, the order of the Motor Accident Claims Tribunal, South Goa, does not call for any interference. The Petitioner/Claimant shall deposit the requisite Court fee after which the Presiding Officer of the MACT shall direct its Registry to issue the necessary certificate for claiming refund under Section 16 of the Court Fees Act in terms of the directions contained in para 17 of ... *v. Chief Secretary* (supra) and the observations made by me in the present Order. All Officers manning the MACTs. in both the North and South Goa Districts of the State of Goa are requested to follow this course. In all matters where there is a settlement arrived at before the Lok Adalat in Accident Claims Petitions, where an Award is passed in terms of the settlement, once Court fees are paid in such matters, the Presiding Officers of the Claims Tribunals shall issue certificates for refund of the Court fees in terms of Section 16 of the Court Fees Act. The Claimants would be entitled to seek refund on the basis of the certificates from the concerned Collector i.e. the

Collector of North Goa or South Goa Districts.

10. The petition is disposed of with the above observations.

VALMIKI MENEZES, J.