



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 267 of 2013

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI

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Approved for Reporting	Yes	No
		No
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HEIRS OF DECD. SHANABHAI DEVJIBHAI THAKOR & ORS.

Versus

PUROHIT PRITESHKUMAR BHAVESHKUMAR & ORS.

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Appearance:

ADVOCATE NOTICE SERVED for the Appellant(s) No. 1,2,4

HCLS COMMITTEE(4998) for the Appellant(s) No. 3

MS.FALGUNI D.TRIVEDI(3912) for the Appellant(s) No. 3

MR GC MAZMUDAR(1193) for the Defendant(s) No. 3

MR HG MAZMUDAR(1194) for the Defendant(s) No. 3

RULE SERVED for the Defendant(s) No. 2

RULE UNSERVED for the Defendant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 01/09/2026

JUDGMENT

1. Original claimants have appealed under section 173 of Motor Vehicle Act, 1988 to challenge judgment and award dated 16.06.2012 passed by learned MACT (Auxi), Kheda at Nadiad in MACP No.622 of 2011, by which learned Tribunal granted compensation of Rs.4,06,500/- with interest at the rate of 7.5% per annum from the date of claim petition till realization for death of Shanabhai Devjibhai Thakor in killer road accident.

2. Heard learned advocates for the parties.



3. Issue involved in the appeal is with regard to enhancement of compensation. It is mainly argued by learned advocate for the appellant that learned Tribunal has not properly assessed compensation. It is also argued that learned Tribunal did not consider income as per rate of minimum wages and did not grant compensation for loss of future prospects. It is also submitted that other pecuniary heads are not decided in accordance with judgment of **Sarla Verma v/s. DTC [(2009) 6 SCC 121]**, approved by the Constitution Bench in the case of **National Insurance Company Ltd. v/s. Pranay Sethi [2017 (16) SCC 680]** as well as judgment in the case of **Magma General Insurance Company Limited v. Nanu Ram @ Chuhru Ram & Ors. [2018 (18) SCC 130]**. Therefore, it is submitted to re-work out and grant compensation.

4. Learned advocate for the other side against aforesaid submission supported impugned judgment and award.

5. Having gone through Record and proceedings as well as impugned judgment and award, what appears that learned Tribunal has taken Rs.3000/- per month as income of the deceased for the accident which took place in the year 2011 and did not grant compensation for loss of future prospects. Deceased was 45 years at the time of accident. Thus, 25% is required to be added for future prospects and 1/4 is to be deducted from income of deceased towards personal expenses. Considering total number of dependents, compensation is required to be assessed for each claimant. Likewise, loss of estate and funeral expenses is required to be re-assessed. Total

amount towards loss of dependency would be Rs.6,88,296/-
[Rs.4370/- per month + 25% = Rs.5462/- minus 1/4 (i.e. Rs.1365) = Rs.4097 x 12 x 15]

6. Therefore, total compensation which is re-assessed would be as under, which the claimants/s is/are entitled to get.

Particulars	Amount (Rs.) awarded by learned Tribunal	Amount (Rs.) assessed by this Court
Future dependency Loss	3,78,000/-	6,88,296/-
Loss of consortium	15,000/-	1,93,600/-
Funeral expenses	5,000/-	18,150/-
Loss of estate	2500/-	18,150/-
Medical expenses	3000/-	6,000/-
Total...	4,06,500/-	9,24,196/-
Less: amount which is already awarded by learned Tribunal.		4,06,500/-
Additional amount which is awarded		5,17,696/-

7. Therefore, I hold that the claimant/s are entitled to get the total amount of additional compensation of Rs.5,17,696/- with 7.5% p.a. interest from the date of filing the claim petition till its realisation, which would meet the ends of



justice. The Tribunal has already awarded Rs.4,06,500/-, therefore, remaining amount of Rs.5,17,696/- would be the enhanced amount of compensation payable to the claimant/s.

8. For the reasons recorded above, the following order is passed.

8.1 The appeal is **partly allowed**.

8.2 The Insurance Company is directed to deposit the enhanced amount Rs.5,17,696/- with 7.5% p.a. interest from the date of claim petition till its realisation before the concerned Tribunal, within a period of 12 weeks from the date of receipt of this order.

8.3 Upon deposit of amount, the Tribunal concerned shall disburse the entire awarded amount lying in the FDR and/or with the Tribunal, with accrued interest thereon, if any, to the claimant/s, by account payee cheque / NEFT / RTGS, after proper verification and after following due procedure.

8.4 While making the payment, the Tribunal shall deduct the courts fees, if not paid, in accordance with rules/law.

8.5 Record and proceedings be sent back to the concerned Tribunal, forthwith.

SATISH

(J. C. DOSHI,J)