



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1181 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

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Approved for Reporting	Yes	No

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GOVINDBHAI SHAMBHUBHAI PATEL & ORS.

Versus

SAGARBHAI BHUPATBHAI GAJERA & ORS.

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Appearance:

MR JIGISHBHAI C KIKANI(12217) for the Appellant(s) No. 1,2,3

MR.HIREN M MODI(3732) for the Appellant(s) No. 1,2,3

MS HELY J KIKANI(13018) for the Appellant(s) No. 1,2,3

DELETED for the Defendant(s) No. 4

MASUMI V NANAVATY(9321) for the Defendant(s) No. 2

MR VIBHUTI NANAVATI(513) for the Defendant(s) No. 2

RULE SERVED for the Defendant(s) No. 3

RULE UNSERVED for the Defendant(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

Date : 31/08/2026

JUDGMENT

1. The captioned appeal is filed against the impugned judgment and award dated 17.08.2024 passed by the learned Motor Accident Claims Tribunal (Auxiliary) and 4th Additional District Judge, Ahmedabad (Rural) in MACP No.1625/2014, whereby the learned Tribunal had partly allowed the claim petition and awarded a sum of Rs.11,19,100/- as a compensation along with interest at the rate of 9% per annum from the



date of filing of claim petition till its realization.

2. The succinct facts leading to file the captioned appeal are that on 17.01.2014, when the deceased-Chirag Govindbhai Patel was proceeding towards Jagadiya from Bharuch along with his friends on a motorcycle bearing registration no.GJ-16-AN-3230, in the meantime, the driver of truck bearing registration no.GJ-19U-9593 came by driving his vehicle from the opposite side, at an excessive speed, in rash and negligent manner, so as to endangering the human life and dashed with the said motorcycle, in which the deceased was travelling. Due to the impact of the said accident, the deceased sustained grievous injuries and succumbed to the injuries.

3. On being served, the respondent nos.2 and 4/insurance companies filed their respective written statements at Exhs.18 and 27, while the respondent no.3 filed the written statement at Exh.12. All the respondents have denied all the averments made in the claim petition and prayed for rejection of the claim petition.

4. Having considered the pleadings, evidence led by the respective parties and the submissions canvassed by the respective parties, the learned Tribunal had partly allowed the claim petition and awarded a sum of Rs.11,19,100/- as a compensation along with interest at the rate of 9% per annum from the date of filing of claim petition till its realization.

5. Being aggrieved and dissatisfied with the impugned judgment and award, the original claimants/appellants herein challenged the impugned judgment and award on the ground of quantum.



6. Heard learned counsels for the parties.

7. Mr. Hiren M. Modi, learned counsel appearing on behalf of original claimants/appellants herein vehemently submitted that at the time of accident, the deceased was working with M/s. V-well Advertisement Company and thereby earning Rs.10,000/- per month. He further submitted that in order to prove the income of the deceased, the father of the deceased has filed his affidavit in examination-in-chief at Exh.37 along with the lines of pleadings. He further submitted that the claimants/appellants have also examined one-Kaushal Dilipbhai Shah at Exh.46 to prove the income of the deceased. He submitted that the said witness has proved that the deceased was working with M/s. V-well Advertisement Company and thereby earning Rs.10,000/- per month. He further submitted that the learned Tribunal has disbelieved the oral as well as documentary evidence led by the claimants/appellants and assessed the income of the deceased at Rs.7,000/- per month, which is at lower side.

8. Learned counsel for the appellants further submitted that the learned Tribunal has awarded meagre amount of compensation under conventional heads. In support of his contention, learned counsel for the appellants placed the reliance upon the judgment rendered by the Hon'ble Apex Court in case of **National Insurance Company Ltd. Vs. Pranay Sethi**, reported in 2017 (16) SCC 680 and **Magma General Insurance Company Limited Vs. Nanu Ram @ Chuhru Ram and Ors.**, reported in 2018 (18) SCC 130. Having placed the reliance upon the aforesaid judgments, learned counsel for the appellants prayed for enhancement of compensation.



9. Per contra, Mr. Vibhuti Nanavati, learned counsel appearing on behalf of respondent no.2/insurance company vehemently submitted that the income of the deceased was not proved by leading the cogent evidence on record, therefore, the learned Tribunal has rightly assessed the income of the deceased at Rs.7,000/- per month. He further submitted that the learned Tribunal has awarded just compensation under all the heads of compensation, therefore, the captioned appeal is liable to be dismissed.

10. Having considered the submissions of the learned counsels for the parties and having gone through the record, it is to be noted that the original claimants/appellants herein have challenged the impugned judgment and award on the ground of quantum.

11. So far as the quantum is concerned, the learned Tribunal has assessed the monthly income of the deceased at Rs.7,000/-. It is the case of the claimants/appellants that at the time of accident, the deceased was working with M/s. V-well Advertisement Company and thereby earning Rs.10,000/- per month. The appellant/claimant no.1 has also filed his affidavit in examination-in-chief at Exh.37 along with the lines of pleadings. The claimants/appellants have also examined one-Kaushal Dilipbhai Shah at Exh.46. He also proved on record that the deceased was working with M/s. V-well Advertisement Company at the time of accident and thereby he was earning Rs.10,000/- per month. It also emerges from the record that the FIR also supports the version that the deceased was working with M/s. V-well Advertisement Company at the time of accident. Thus, having regard to the material available on record, in my considered view, the learned Tribunal has committed the



manifest error in assessing the income of the deceased at Rs.7,000/- per month. Thus, in the light of the oral as well as documentary evidence on record, the income of the deceased is reassessed at Rs.10,000/- per month. It is not in dispute that at the time of accident, the deceased was aged about 26 years, 1 months and 12 days, therefore, 40% of the monthly income is to be added on account of future prospects of the deceased in view of the ratio laid down by the Hon'ble Apex Court in case of Pranay Sethi (supra). Thus, after adding 40% to the monthly income, it would come to Rs.14,000/- i.e. $(10,000 + 10,000 \times 40\%)$. At the time of accident, the deceased was bachelor, therefore, $1/2$ of the monthly income is deducted on account of personal expenses of the deceased. Thus, after deducting $1/2$ on account of personal expenses of the deceased, the monthly income for calculating the future loss of dependency would come to Rs.7,000/- i.e. $(14,000 - 14,000 \times 1/2)$. Thus, applying the multiplier of 17 as per the age of the deceased, the future loss of dependency would come to Rs.14,28,000/- i.e. $(7,000 \times 12 \times 17)$.

12. The learned Tribunal has awarded a sum of Rs.15,000/- under the head of loss of estate and a sum of Rs.15,000/- under the head of funeral expenses. The compensation awarded under these heads is enhanced to Rs.18,150/- under each head in view of the ratio laid down by the Hon'ble Apex Court in case of Pranay Sethi (supra).

13. It is not in dispute that the deceased was survived by 3 legal representatives i.e. both parents and brother. In view of the ratio laid down by the Hon'ble Apex Court in case of Nanu Ram @ Chuhru Ram (supra), only the parents are entitled to get the compensation under the head of loss of consortium. Hence accordingly, a sum of Rs.96,800/- i.e.



(48,400X2) is awarded under the head of loss of consortium.

14. The learned Tribunal has awarded a sum of Rs.9,500/- under the head of other expenses. The compensation awarded under this head requires no interference and accordingly, the same is maintained.

15. In view of the above discussion, the appellants/claimants shall be entitled for the following amount of compensation under the following heads:-

Sr. No.	Particular	Amount
1.	Future loss of dependency	14,28,000/-
2.	Loss of consortium	96,800/-
3.	Loss of estate	18,150/-
4.	Funeral expenses	18,150/-
5.	Other expenses	9,500/-
	Total	15,70,600/-

16. The learned Tribunal has already awarded a sum of Rs.11,19,100/- as a compensation, therefore, the original claimants/appellants shall be entitled for additional compensation of Rs.4,51,500/- i.e. (15,70,600-11,19,100). The learned Tribunal has awarded the interest at the rate of 9% per annum, therefore, the original claimants/appellants shall be entitled for the same rate of interest on additional amount of compensation from the date of filing of claim petition till its realization.

17. In view of the above discussion, the captioned appeal stands allowed partly and the impugned judgment and award is to be modified to the aforesaid extent. The respondent no.2/insurance company shall



deposit the additional amount of compensation along with interest within a period of 6 weeks from the date of receipt of copy of this order.

18. Upon depositing of the said amount of compensation, the learned Tribunal shall disburse the entire amount of compensation along with interest to the original claimants/appellants herein after deducting deficit of Court fee, if any, after due verification. The amount, if any, lying deposited with the registry of this Court, the same shall be transmitted to the learned Tribunal concerned. No order as to costs.

19. Record & Proceedings, if any, be sent back to the learned Tribunal concerned.

HARSHIT

(MOOL CHAND TYAGI, J)