NEUTRAL CITATION
2026:GUJHC:58546-DB

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 951 of 2015
With
R/FIRST APPEAL NO. 2065 of 2015

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IFFCO TOKIO GENERAL INSURANCE COMPANY CO. LTD
Versus
DHANIBEN HATHIBHAI RAMSIBHAI BHARWAD & ORS.
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Appearance:
MR KRUNAL R SAKSENA(5915) for the Appellant(s) No. 1
MR. JAYDEV BHATT, FOR MR HRIDAY BUCH(2372) for the Defendant(s) No. 1,2,3,4,6
RULE NOT RECD BACK for the Defendant(s) No. 9
RULE SERVED for the Defendant(s) No. 8
UNSERVED EXPIRED (R) for the Defendant(s) No. 5
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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 16/09/2026
ORAL JUDGMENT
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. The occurrence of an accident on 23.10.2012 between Eicher and the deceased is not in dispute. As a result, of which, the deceased was also killed at the spot. The fact that the Eicher was insured and the insurer is liable to pay compensation is also not in dispute.

2. The tribunal on consideration of the evidence adduced before it has come to the conclusion that the deceased could be presumed to have an income of about 12,000/- per month and it has accordingly, proceeded to award sum of Rs.23,26,400/- as compensation.

3. The legal heirs of the deceased are in appeal contending that the compensation awarded is inadequate. The insurer is also in appeal contending that the amounts awarded are excessive.

4. The evidence on record indicates that the deceased was having cattle and was supplying milk and was also engaged in incidental activity of animal husbandry. The claimants examined the Secretary of the Takhatgadh Milk Producing Co-operative Society would depose before the Tribunal that the society had paid total sum of Rs.2,20,797.81 alongwith the price hike of Rs.28,108/- for the period 11.09.2011 to 20.03.2012 and the computerized record of the society in which the code number of the deceased was also placed before the Tribunal. This document issued by the society would therefore indicate that for a period of six months itself, the claimant-deceased was earning sum of Rs.2.5 lacs approximately and going by this yardstick, he would have earned sum of Rs.5 Lacs per annum. There is also evidence on record that he was carrying out animal husbandry and cattle grazing activity for which he was receiving a sum of Rs.25,000/- per annum. There is also evidence on record to indicate that he had purchased materials worth Rs.1,06,000/- and Rs.1,87,119/- in his business of food grains and other commodities at the Kadi Marketing Yard. In the light of these documentary evidences and the oral evidence, in our view, it would be appropriate to hold that the deceased was earning a sum of Rs.20,000/- per month, as against the finding of the Tribunal that he was earning only about Rs.12,000/- per month.

5. The deceased was aged about 40 years and as a consequence, a multiplier of 15 will have to be adopted. The

future prospects at the rate of 25% is required to be added to the said monthly income.

6. The claimants out of this income, 1/5 would be deducted since the deceased had six dependants. Thus, sum of Rs.36,00,000/- would be paid towards the loss of dependency. The claimants were the widow, his three minor children and his parents. As per the decision of ***National Insurance Company Ltd. v. Pranay Sethi and others reported in (2017) 16 SCC 680*** each of the dependents would be entitled to sum of Rs.48,400/- under loss of consortium, apart from sum of Rs.36,300/- under the conventional heads.

7. The Tribunal has awarded sum of Rs.40,000/- towards the loss of cattle which also were killed in the accident. In our view, the said sum does not require enhancement. Consequently, the appeal of the claimants is allowed in part. The appeal of the insurance company is ***dismissed***.

8. In view of the aforesaid, the compensation to which the claimants are now held entitled to would be as under:

Sr. No.	**Under the head of**	**As per award of Tribunal**	**Reassessed compensation**
1.	Towards loss of dependency	Rs.22,46,400/-	Rs.36,00,000/-
2.	Towards loss of consortium	Rs.15,000/-	Rs.2,90,400/- (Rs.48,400/-x6)
3.	Towards loss of estate	Rs.10,000/-	Rs.18,150/-

4.	Towards funeral expenses	Rs.15,000/-	Rs.18,150/-
5.	Towards damages for loss of cattle	Rs.40,000/-	Rs.40,000/-
	Total Assessed Compensation	**Rs.23,26,400/-**	**Rs.39,66,700/-**
	(-) Awarded Amount	**-**	**Rs.23,26,400/-**
	Enhanced amount	**-**	**Rs.16,40,300/-**

9. Ten weeks' time is granted to the Insurance Company to deposit the enhanced amount. The enhanced amount shall be deposited with interest @ 9%, i.e. from the date filing of the claim petition till payment.

10. R & P, if received, to be sent back forthwith.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

SIDDHARTH,/-