

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 3296 of 2011**

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NATIONAL INSURANCE COMPANY LIMITED

Versus

SIDDI SALEMBHAI SIYEDBHAI & ORS.

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Appearance:

MR VIBHUTI NANAVATI(513) for the Appellant(s) No. 1

DELETED for the Defendant(s) No. 5,6

MS DISHA N NANAVATY(2957) for the Defendant(s) No. 3,4

RULE NOT RECD BACK for the Defendant(s) No. 2

RULE SERVED for the Defendant(s) No. 1

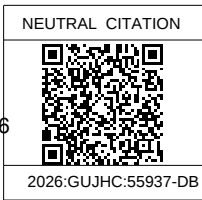
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CORAM:**HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**

and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 02/09/2026****JUDGMENT****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. An accident occurred on 08.04.2000, in which the occupant of the car, Sunilbhai, a 36 year old engineer of AEC, was killed in the accident. His widow, minor child, and his parents filed the claim petition. The parents of the deceased passed away during the pendency of the proceedings and they were deleted from the array of parties. Consequently, the claim only of the widow and the minor child would remain.
2. The Tribunal on consideration of the documents produced indicating the salary of the deceased, who was working as Assistant Engineer with AEC, has determined the income at Rs 34,000/- per month and after deducting Rs. 11,000/- from the



said amount, has proceeded to apply a multiplier of 15 and awarded a sum of Rs 46,25,000/-. The Tribunal has also granted interest at 7.5% per annum.

3. Being aggrieved by this award, the insurance company is in appeal contending that the amounts awarded is on the higher side.
4. In our view, having regard to the fact that the Tribunal ascertained the monthly income of the deceased on the basis of documentary evidence and taking into consideration that the deceased was an Assistant Engineer with AEC, the documents produced would have to be accepted as the true income of the claimant, we find no reason to interfere with the award of the Tribunal.
5. However, we also notice that the interest awarded by the Tribunal is at the rate of 7.5%, which would be improper and an award of 9% per annum in the said sum would be adequate and would subservient the ends of justice. Consequently, the appeal in so far as the quantum is dismissed. However, the award is modified by enhancing the interest from 7.5% per annum to 9% per annum.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

Mehul Desai