

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 415 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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**GAURIBEN VIRAMBHAI PARMAR & ORS.****Versus****RAMESHSINH PADAMSING CHAUHAN & ORS.**

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**Appearance:****MR.HIREN M MODI(3732) for the Appellant(s) No. 1,2,3,4****MR SUNIL B PARIKH(582) for the Defendant(s) No. 3****RULE SERVED for the Defendant(s) No. 1,2,4**

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**CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI****Date : 29/06/2026****JUDGMENT**

1. The captioned appeal is filed against the impugned judgment and award dated 23/01/2026 passed by the Motor Accident Claims Tribunal in MACP No. 7 of 2021, whereby the learned Tribunal had partly allowed the claim petition and awarded compensation to the tune of Rs. 10,77,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realization.

2. The present appeal arises out of a motor vehicular accident dated 22/05/2021, wherein the appellant No.1 along with the deceased, her husband, was travelling on a motorcycle bearing registration No. GJ-12-BA-9327. It is the case of the appellants that the motorcycle was being driven by the deceased at a moderate speed and on the correct side of the road. It is further alleged that at about 10:00 hours, a trailer bearing registration No. GJ-12-BW-4577, driven by respondent No.1 and owned by respondent No.2, came in a rash and negligent manner at a high speed and dashed the motorcycle from behind. Due to the impact of the accident, the deceased sustained grievous injuries and succumbed to the same.

3. On being served, the respondent no.3/Insurance Company filed its written statement at Exh.23 and thereby denying 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. 10,77,000/- 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 claimant/appellant herein challenged the impugned judgment and award on the ground of negligence as well as quantum.

6. Heard learned counsel for the parties.

7. Mr. Hiren Modi, learned advocate appearing on behalf of the original claimants-appellants, submitted that at the time of the accident, the deceased Virambhai Parmar was working as a book binder in Oswal Book Manufacturing Depot at Central, Mumbai and thereby earning Rs. 15,000/- per month. He further submitted that as the income could not be proved on record by leading the cogent evidence, the learned Tribunal had assessed the income of the deceased at Rs. 6,000/- per month. He submitted that in the absence of cogent evidence of income, the learned Tribunal ought to have considered the minimum wages prevalent at the time of the accident. It is further submitted that at the time of the accident, the deceased was aged about 45 years; therefore, 25% of the income ought to have been added on account of future prospects of the deceased. He further submitted that the

learned Tribunal had awarded a meager amount of compensation under the conventional heads therefore he prayed for enhancement of compensation. In support of his contentions, the learned counsel for the appellants placed reliance upon the judgments rendered by the Apex Court in the cases of **National Insurance Company Limited V. Pranay Sethi & Ors. Reported in (2017) 16 SCC 680** and **Magma General Insurance Company Limited V. Nanu Ram alias Chuhru Ram & Ors. Reported in (2018) 18 SCC 130.**

8. Per contra, Mr. Parikh, learned advocate appearing on behalf of Respondent No. 2 Go Digit General Insurance Company, vehemently submitted that the income of the deceased was not proved on record; therefore, the learned Tribunal has rightly assessed the income of the deceased at Rs. 6,000/- per month. He further submitted that the learned Tribunal had awarded just compensation under all the heads of compensation, and therefore, the captioned appeal is liable to be dismissed.

9. Having considered the submissions of the learned counsel for the parties and having gone through the record, it is to be noted that the claimants-appellants have challenged the impugned judgment and award on the ground of quantum.

Insofar as the quantum is in concern, it is the case of the claimants-appellants that at the time of the accident, the deceased was working as a book binder with M/s Oswal Book Manufacturing Depot at Central Mumbai and was earning Rs. 15,000/- per month. It emerges from the record that the income was not proved by leading cogent evidence. In the absence of cogent evidence of income, the learned Tribunal ought to have considered the minimum wages prevalent at the time of the accident. The accident in question took place on 22nd May 2021. At the relevant point of time, the minimum wages for a skilled worker was Rs. 9,495/-. Therefore, the income of the deceased is reassessed at Rs. 9,495/- per month.

10. It is not in dispute that at the time of the accident, the deceased was aged about 45 years. Therefore, 25% of the monthly income is to be added on account of future prospects of the deceased. Thus, after adding 25% to the monthly income, it would come to Rs. 11,869/-.

11. It is evident from the record that the deceased was survived by four legal representatives, i.e. a widow, minor sons, and father. Therefore, 1/4th of the income is to be deducted on account of personal expenses. Thus, after deducting 1/4th for personal expenses, the monthly income

would come to Rs. 8,902/-. As per the age, the multiplier of 14 is to be applied. Thus, after applying the multiplier of 14, the future loss of dependency would come to Rs. 14,95,536/- i.e. (, Rs. 8,902/- x 12 x 14).

12. The learned Tribunal had awarded a meager amount of compensation under the conventional heads. Hence, accordingly, a sum of Rs. 18,150/- is awarded under the head of loss of estate, and a sum of Rs. 18,150/- is awarded under the head of funeral expenses. The deceased was survived by a widow, a minor son, and a father. All the claimants are entitled to get compensation under the head of loss of consortium in view of the ratio laid down by the Apex Court in **Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram & Ors. Reported in (2018) SCC 130**. Hence, accordingly, a sum of Rs. 1,45,200/- (i.e., Rs. 48,400/- x 3) is awarded under the head of loss of consortium.

13. Thus, in view of the above discussions, the claimants-appellants shall be entitled to the following compensation under the respective heads:

| Sr. No | Head of Compensation | Amount (Rs.) |
|--------|----------------------|--------------|
| 1      | Loss of Dependency   | 14,95,536/-  |

|   |                           |                    |
|---|---------------------------|--------------------|
| 2 | Funeral Expenses          | 18,150/-           |
| 3 | Loss of Estate            | 18,150/-           |
| 4 | Loss of Consortium        | 1,45,200/-         |
|   | <b>Total Compensation</b> | <b>16,77,036/-</b> |

14. The learned Tribunal has already awarded the compensation to the tune of Rs. 10,77,000/-. Therefore, the claimants-appellants shall be entitled to an additional compensation of Rs. 6,00,036/-, which is rounded off to Rs. 6,00,000/-. The learned Tribunal had awarded interest at the rate of 9%. Therefore, the claimants-appellants shall be entitled to 9% interest on the additional enhanced compensation of Rs. 6,00,000/-.

15. In view of the above discussion, the captioned appeal stands allowed partly. The impugned judgment and award is modified accordingly. The Respondents shall deposit the additional amount of compensation with interest at the rate of 9% per annum from the date of filing the petition till its realization within a period of six weeks.

16. Upon depositing of the said amount of compensation, the learned Tribunal shall disburse the entire amount of compensation to the Original-Claimants, after deducting deficit of court fee, if any, after due verification.

17. The amount, if any, lying deposited with the Registry of this Court, the same shall be transmitted to the learned Tribunal concerned forthwith. No order as to costs.

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

PARMAR CHIRAG

**(MOOL CHAND TYAGI, J)**

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: PARMAR CHIRAG KANUBHAI(HC02371), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 17/07/2026 11:30:43