

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3156 of 2025**

With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 3156 of 2025

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ICICI LOMBARD GENERAL INSURANCE CO. LTD.

Versus

LEGAL HEIRS OF DECEASED MUKESHBHAI LALURAM KHATIK &
 ORS.

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Appearance:

HARSH A VYAS(9330) for the Appellant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 09/09/2025

ORAL ORDER**ORDER in R/FIRST APPEAL NO. 3156 of 2025:**

Heard learned advocate Mr Harsh Vyas appearing for the appellant – Insurance Company. Learned advocate has assailed the impugned judgment and award mainly on the issue of quantum of compensation by submitting that the claimants have though not clearly established the source of income of the deceased, however, the Tribunal noticing the driving license of the deceased being produced on record at Mark-19/9 has arrived at a conclusion that it is believed the case of the claimant that the deceased was earning an income of Rs.16,000/- per month by driving heavy vehicle. The attention of this Court was invited to the standard rates notified by the State Government under the Minimum Wages Act, at the relevant point of time. It was submitted that as per the rates of the minimum wages notified

between the period from 1st April, 2020 to 30th September, 2020, the minimum wages prescribed was Rs.9,087/-. In support of his submissions, reliance was also placed on the decision of the Hon'ble Supreme Court in the case of **Kala Devi & Ors vs Bhagwan Das Chauhan & Ors** reported in **2014 ACJ 2875**. Considering the aforesaid submissions of the learned advocate for the appellant – Insurance Company and having perused the findings and reasons assigned by the Tribunal, *prima facie*, this Court finds that the amount of compensation awarded by the Tribunal requires reconsideration, more particularly, noticing the amount awarded under the head of loss of estate and loss of consortium. Hence, considering the aforesaid aspects, issue Notice upon respondents, making it returnable on 07.11.2025.

Registry is directed to call for R&P without Paper-book so as to reach this Court before the next date of hearing.

ORDER in CIVIL APPLICATION (FOR STAY) NO. 1 of 2025 in R/FIRST APPEAL NO. 3156 of 2025:

Issue Notice, making it returnable on **07.11.2025**, subject to deposit of the entire award amount with costs by way of ad-interim relief there shall be stay against the impugned judgment and award, till the next date of hearing.

(NISHA M. THAKORE,J)

JIGAR J RABARI