

(2026) 01 GUJ CK 1421
In the Gujarat High Court
Case No : R/First Appeal No. 497 Of 2024

Sangitaben Vikramsinh Zala & Ors.

APPELLANT

Vs

Riyazbhai Anwarbhai Vahora & Ors

RESPONDENT

Date of Decision : 09-01-2026

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2026) 01 GUJ CK 1421

Hon'ble Judges : Hasmukh D. Suthar, J

Bench : Single Bench

Advocate : Nishit A Bhalodi, Masumi V Nanavaty, Imtiyaz I Mansuri, Rathin P Raval, Vibhuti Nanavati

Final Decision : Allowed

Judgement

Hasmukh D. Suthar, J

1) Feeling aggrieved and dissatisfied with the judgment and award dated 09.03.2021 passed by learned Motor Accident Claims Tribunal (Auxi.), Kheda at Nadiad (which shall hereinafter be referred to as "the Tribunal" for short), in Motor Accident Claim Petition No.618 of 2018, the appellants – original claimants have preferred the present appeal under Section 173 of the Motor Vehicles Act, 1988 (which shall hereinafter be referred to as "the Act" for short).

2) It is the case of the appellants that on 01.05.2018, the deceased Vikramsinh Zala was plying Truck bearing Reg. No.GJ-07-YZ-1507 and when he reached near the place of accident, the opponent no.1 came driving Truck bearing Reg. No.GJ-09-Z-4913, in rash and negligent manner and dashed with the Truck of the deceased and the opponent no.4 dashed his vehicle Chhota Hathi bearing Reg. No.GJ-07-UU-6816 with Truck of the deceased from behind as a result of which deceased sustained serious injuries and ultimately succumbed to it. Therefore, the appellants had filed MAC Petition seeking compensation, wherein, the learned Tribunal after appreciating the evidence produced on record has

partly allowed the claim petition.

3) The appeal is filed on limited ground that the learned Tribunal has committed error by not granting adequate compensation towards loss of consortium, loss of estate and funeral expenses to the appellants.

4) As challenge is given only qua inadequate amount awarded under three conventional heads hence the appeal is required to be decided in narrow compass. Perusing the impugned judgment it reveals that the learned Tribunal has committed error by awarding only Rs.70,000/- under conventional heads. Therefore, in view of the judgment of National Insurance Company Ltd. Vs. Pranay Sethi, reported in 2017 ACJ 2700, this Court is of the view that amount is required to be reassessed as Rs.18,150/- towards loss of estate, Rs.18,150/- towards funeral expenses. Therefore, the appellants – original claimants are entitled for additional amount of Rs.6,300/- (i.e. Rs.18,150/- - Rs.15,000/- = Rs.3,150/- towards loss of estate and Rs.18,150/- - Rs.15,000/- = Rs.3,150/- towards funeral expenses). Further, in view of ratio laid down by the Hon'ble Supreme Court in the case of Magma General Insurance Co. Ltd., Vs. Nanu Ram, reported in (2018) 18 SCC 130 and Janabai Wd/o Dinkarrao Ghorpade & Ors., Vs M/s ICICI Lombard Insurance Company Ltd., reported in 2022 LiveLaw (SC) 666, the learned Tribunal has committed error in awarding only Rs.40,000/- towards loss of consortium, however, in view of above judgments the appellants – original claimants being legal heirs of the deceased they are entitled for Rs.48,400/- each towards the head of loss of consortium. Therefore, the amount towards loss of consortium is reassessed as Rs.1,93,600/- (i.e. Rs.48,400/- X 4). Therefore, the appellants are entitled for additional amount of Rs.1,53,600/- towards loss of consortium.

5) As discussed above, the appellants – original claimants are entitled to get compensation computed as under:

Heads

Awarded by Tribunal

Reassessed by this Court

Future loss of dependency

Rs.14,33,664/-

Rs.14,33,664/-

Loss of estate

Rs.15,000/-

Rs.18,150/-

including additional amount of Rs.3,150/-

Funeral expenses

Rs.15,000/-

Rs.18,150/-

including additional amount of Rs.3,150/-

Loss of consortium

Rs.40,000/-

Rs.1,93,600/-

including additional amount of Rs.1,53,600/- (Rs.48,400/- X 4)

Total compensation

Rs.15,03,664/-

Rs.16,63,564/-

including total additional amount of Rs.1,59,900/-

6) In view of above, as the Tribunal has awarded total compensation of Rs.15,03,664/- , however, as discussed above the appellants are entitled to get additional amount of Rs.1,59,900/-(Rs.16,63,564/- - Rs.15,03,664/-) with proportionate costs and interest as awarded by the learned Tribunal.

7) Hence, present appeal is allowed. The judgment and award dated 09.03.2021 passed by learned Motor Accident Claims Tribunal (Aux.), Kheda at Nadiad , in MAC Petition No.618 of 2018 stands modified to the aforesaid extent. Rest of the judgment and award remains unaltered. The respondent no.3 - Insurance Company shall deposit the said additional amount of Rs.1,59,900/- along with interest as awarded by the Tribunal, before the Tribunal within a period of four weeks from the date of receipt of this order. Record and proceedings be remitted back to the concerned Tribunal forthwith.

8) The learned Tribunal is directed to recover or deduct the deficit court fees on enhanced amount and thereafter disburse the amount accordingly.

9) Award to be drawn accordingly.