IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3353 of 2011

With
R/FIRST APPEAL NO. 1994 of 2023

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UMABA ANIRUDHHSINH JADEJA & ORS.
Versus
SHAMBHUBHAI GANGABHAI JARU & ORS.
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Appearance:
MR DHAIRYAWAN D BHATT(11817) for the Appellant(s) No. 1,2,3,4
MR SUNIL B PARIKH(582) for the Defendant(s) No. 2,3
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 : 07/09/2026

JUDGMENT
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. An accident occurred on 16.06.2004 between a truck and a motorcycle, as a result of which both the rider and the pillion rider were killed. The occurrence of the accident is not in dispute.

2. As a result of the accident, the legal heirs of the rider as well as the pillion rider preferred claim petitions.

3. The Tribunal, in respect of the rider, came to the conclusion that the evidence on record indicated that he was earning a sum of Rs.

12,500/- per month and, as he was aged about 29 years, a multiplier of 17 was required to be applied, and in all, the Tribunal awarded a sum of Rs. 24,86,850/-.

4. The Tribunal, in respect of the pillion rider, found that the pillion rider was aged about 40 years and had been employed as a Field Assistant under the Union of India and was drawing a salary of Rs. 7,700/-. Consequently, the Tribunal proceeded to apply the appropriate multiplier and awarded a sum of Rs. 14,66,500/-.

5. Being aggrieved by these awards, both the legal heirs of the rider as well as the legal heirs of the pillion rider are in appeal. The insurer of the truck has accepted the award and, therefore, its liability and also the negligence on the part of its driver. Consequently, we are only to determine the entitlement of the legal heirs of the rider and the pillion rider.

6. The evidence on record in respect of the rider indicates that he was working as a contractor and material had been produced to indicate that he had executed various works for the Gandhidham Development Authority. On the basis of these materials, the Tribunal has concluded that he was having a monthly income of Rs. 12,500/- and the Tribunal has deducted 10% of the said amount as income tax

and has ascertained the income at Rs. 11,250/-.

7. We have noticed from the record that apart from the contracts executed with Gandhidham, the deceased was also a Guinness World Record holder for being able to lift a cement bag with his teeth. This particular fact by itself indicates that the deceased had some extraordinary ability which was recognized by international authorities. Even though there is no clear evidence of the income, given the fact that there are documents on record that he had executed several contracts, and keeping in mind the special recognition that was granted to him by the Guinness authorities, it would be appropriate to enhance the income to Rs. 13,500/- per month. Out of this, 10% would be deducted towards his income tax and, consequently, his net income would be Rs. 12,150/-.

8. In accordance with the judgment of Pranay Sethi (supra) read with the dictum of ***Apex Court*** in ***Reena Vs. Managing Director, Karnataka State Road Transport Corporation, reported at 2026 (0) AIJEL-SC 77486,*** the claimants would also be entitled for loss of consortium and other non-pecuniary sums amounting to Rs. 1,56,000/- (52,000/- x 3) and further sum of Rs. 19,500/- each for loss of estate and funeral expenses.

9. In the light of our findings above, the legal heirs of the rider would, therefore, be entitled to a sum of Rs. 27,97,428/-.

Particulars	**Amount (Rs.)**
Income	Rs.12,150/-
Prospective Income (40%)	Rs.4,860/-
Total	**Rs.17,010/-**
Deduction (1/4th)	- Rs.4,252.50/-
Dependency Loss	Rs.12,757.50/-
Multiplier	X 17
Future Loss of income	Rs.26,02,428/-
Consortium	Rs.1,56,000/-
Loss of Estate	Rs.19,500/-
Funeral	Rs.19,500/-
Total	**Rs.27,97,428/-**
Awarded	**Rs.24,86,852/-**
Additional Compensation	**Rs.3,10,576/-**

10. In respect of the pillion rider, the evidence on record indicates that he was drawing a salary of Rs. 7,700/- and that was established by the production of his pay slip. Since the deceased was a government servant, the determination of income by the Tribunal at Rs. 7,700/- on the basis of the pay slip cannot be found fault with and the same is maintained.

11. These amounts are awarded in accordance with the decision rendered by the Apex Court in ***National Insurance Company Ltd. v. Pranay Sethi and others*** reported in ***(2017) 16 SCC 680*** and in substitution of the award passed by the Tribunal.

12. In respect of the pillion rider, we have noticed that the Tribunal has not awarded future prospects. Since the deceased was a government servant and, therefore, had a regular employment, 50% of the income would have to be added as future prospects. The Tribunal has also awarded a sum of Rs. 25,000/- towards medical expenses based on documentary evidence. The said amount shall be maintained.

13. Consequently, the legal heirs of the pillion rider would be entitled to the following sums in substitution of the award passed by the Tribunal and in accordance with the principles laid down in ***National Insurance Company Ltd. v. Pranay Sethi and others*** reported in ***(2017) 16 SCC 680*** read with the dictum of Hon’ble Apex Court in ***Reena Vs. Managing Director, Karnataka State Road Transport Corporation, reported at 2026 (0) AIJEL-SC 77486,*** the claimants would also be entitled for loss of consortium and other non-pecuniary sums amounting to Rs. 2,08,000/- (52,000/- x 4) and

further sum of Rs. 19,500/- each for loss of estate and funeral expenses. These amounts shall carry interest of 9% per annum.

Particulars	Amount (Rs.)
Income	Rs.7,700/-
Prospective Income (50%)	Rs.3,850/-
Income Per Annum (Rs. 11,550 X 12)	138600
Multiplier	X 15
Total	**20,79,000/-**
Deduction (1/4th)	- Rs.5,19,750/-
Future Loss of income	Rs.15,59,250/-
Medical Expenditure	Rs.25,000/-
Consortium (52,000 x 4)	Rs.2,08,000/-
Loss of Estate	Rs.19,500/-
Funeral	Rs.19,500/-
Total	**Rs.18,31,250/-**
Awarded	**Rs.14,66,500/-**
Additional Compensation	**Rs.3,64,750/-**

14. First Appeal No. 3353 of 2011 and First Appeal No. 1994 of 2023, filed by the respective claimants, are hereby partly allowed, whereby the claimants in First Appeal No. 3353 of 2011 are held entitled to an additional sum of Rs. 3,10,576/- and the claimant in First Appeal No. 1994 of 2023 is entitled to Rs. 3,64,750/-, both with 9% interest per annum from the date of the respective claim petitions

until realization, and the respective insurance companies are directed to deposit these enhanced amounts within a period of EIGHT weeks from the date of receipt of a copy of this order.

15. The enhanced amount which shall be deposited by the Insurance Company pursuant to this order shall be disbursed to the claimants upon proper verification by NEFT / RTGS.

16. R & P if called for, be sent back to the concerned Court forthwith.

(N. S. SANJAY GOWDA, J)

(J. L. ODEDRA, J)

Mehul Desai