

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 2637 of 2025

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 2637 of 2025**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE J. C. DOSHI

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Approved for Reporting	Yes	No
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UNITED INDIA INSURANCE CO. LTD.

Versus

PANKAJKUMAR MAHEDNRASINH BERA VAT & ANR.

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Appearance:

MR GC MAZMUDAR(1193) for the Appellant(s) No. 1

MR HG MAZMUDAR(1194) for the Appellant(s) No. 1

NISHIT A BHALODI(9597) for the Defendant(s) No. 1

NOTICE SERVED for the Defendant(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 28/09/2026

JUDGMENT

1. By order dated 28.07.2025, the Co-ordinate Bench of this Court issued notice for final disposal. Though served, none appeared for respondent No.2. Learned counsel Mr. Nishit Bhalodi appeared for respondent No.1.

2. Heard learned counsel Mr.Mazmudar for the appellant – Insurance Company and learned counsel Mr.Nishit Bhalodi for respondent – original claimant.

3. Admit. Learned counsel Mr.Bhalodi waives service

of notice of admission for on behalf of the respondent-original claimant.

4. The appellant - United India Insurance Company Limited, insurer of the offending vehicle, has filed the present appeal under Section 173 of the Motor Vehicles Act, challenging the judgment and award dated 29.01.2025 passed by the Motor Accident Claims Tribunal (Aux.) & 2nd Additional District Judge, Dahod in MACP No.390 of 2012, whereby the learned Tribunal awarded an amount of Rs.12,95,280/- towards compensation, with interest at the rate of 7% per annum from the date of filing of the claim petition till realization, holding the opponents jointly and severally liable to pay the said amount.

5. The brief facts of the case are that, on 25.03.2012, Pankajkumar Mahendrasinh Beravat (Claimant) along with Rameshbhai Hemabhai Beravat (opponent No.1) was travelling on motorcycle bearing registration No.GJ-20-J-9394. Opponent No.1 was driving the motorcycle. At about 9:30 a.m., when they reached Gandhibaugh on Station Road, Dahod, opponent No.1-Rameshbhai abruptly applied the brakes in an attempt to control the motorcycle. However, he could not control the vehicle, as a result of which the motorcycle slipped on the road. The claimant was thrown off the motorcycle and fell on the road, sustaining injuries to his left leg, including a fracture. According to the claimant, the accident occurred due to the rash and negligent driving of opponent No.1-Rameshbhai. An FIR was also lodged against

opponent No.1 at Dahod Town Police Station.

5.1 The claimant sustained injuries below the knee of his left leg and was shifted to Dr.Kavsar Petrolwala's Hospital, where he was treated as an indoor patient from 25.03.2012 to 02.04.2012. The claimant sustained severe injuries resulting in permanent disability and incurred substantial expenses towards medical treatment and medicines.

5.2 The claimant further contended that, prior to the accident, he was hale and hearty and was earning approximately Rs.28,000/- per month. He was an income-tax payer and was earning his livelihood by working as a contractor and civil engineer. However, on account of the disability sustained in the accident, his earning capacity was adversely affected.

5.3 In view of the aforesaid pleadings, claimant claimed total compensation of Rs.15,00,000/- with interest and costs from the date of filing of the claim petition till realization, jointly and severally from the opponents.

5.4 Opponent No.1 was duly served but did not appear and contest the claim petition. Opponent No.2-Insurance Company appeared through learned advocate and filed its written statement at Exh.34.

5.5 The claimant's age, occupation, income and other

relevant aspects were denied. The factum of accidental injuries and the extent of functional disability were also denied. After obtaining permission under Section 170 of the Motor Vehicles Act to contest the claim petition, the Insurance Company resisted the claim petition.

5.6 The learned Tribunal framed the issues at Exh.8. The claimant adduced oral as well as documentary evidence. The Insurance Company chose not to lead any oral or documentary evidence. Upon appreciating the evidence on record, including the income-tax returns produced by the claimant, the learned Tribunal considered the age of the claimant to be 23 years, 7 months and 10 days and awarded compensation towards loss of future earning as well as loss of future prospects. The learned Tribunal accordingly computed the total compensation as under:

Description	Amount (Rs.)
Future loss of income	12,16,640/-
Pain, shock and suffering	10,000/-
Attendants, Transportation & Special Diets expenses	5,000/-
Actual loss of income	53,640/-
Total compensation	12,95,280/-

5.7 Being aggrieved by the aforesaid judgment and award, the Insurance Company has preferred the present appeal.

6. Learned counsel for the appellant – Insurance

Company submitted that the learned Tribunal committed a serious and manifest error in treating the income-tax returns as the basis for determining the income of the claimant, though admittedly, at the relevant time, the claimant was pursuing full-time studies. He submitted that the income-tax returns relied upon by the claimant were fictitious and had been filed with an oblique motive to create a paper to show core income. According to him, there is no cogent evidence on record to establish the actual income of the claimant. It is further submitted that the claimant was a student and was pursuing his college studies at the relevant time. Therefore, it is highly improbable that he was simultaneously working as a contractor and civil engineer and earning sufficient income so as to file income-tax returns.

6.1 Learned counsel submitted that the income-tax returns produced by the claimant were merely an eye-wash intended to secure higher compensation. He, therefore, submitted that the learned Tribunal ought to have assessed the income of the claimant on the basis of the applicable minimum wages prevailing at the time of the accident.

6.2 Secondly, learned counsel submitted that the learned Tribunal committed a serious error in awarding compensation towards loss of future prospects in a case where the claimant had not suffered an injury of such nature or degree as would render him incapable of pursuing any gainful employment in future.

6.3 On the aforesaid grounds, learned counsel appearing for the Insurance Company submitted that the appeal deserves to be allowed and the impugned judgment and award be modified. Alternatively, he submitted that the matter may be remanded to the learned Tribunal for fresh consideration.

7. *Per contra*, learned counsel appearing for the original claimant supported the impugned judgment and award. He submitted that the income-tax returns are statutory documents and can safely be relied upon for determining the income of the claimant. He further submitted that the learned Tribunal had rightly taken into consideration the income disclosed in the income-tax returns for the preceding three years, arrived at the average thereof and, accordingly, assessed the income of the claimant as on the date of the accident.

7.1 Learned counsel further submitted that, argument of merely because the claimant was a student pursuing his studies, he could not have earned any income and the filing of income-tax returns was merely an eye-wash intended to secure higher compensation, is wholly unfounded and devoid of substance. According to learned counsel, there is no justification for discarding the income-tax returns, which constitute statutory evidence of the income disclosed by the claimant. It is further submitted that even the Income Tax Department had accepted the income disclosed by the claimant and had assessed him accordingly for the respective

years. The learned Tribunal, after considering the income-tax returns for the preceding three years and taking the average thereof, assessed the income of the claimant and, therefore, committed no error warranting interference.

7.2 Secondly, learned counsel submitted that the learned Tribunal had rightly relied upon the judgments of the Hon'ble Supreme Court in case of ***Pappu Deo Yadav v. Naresh Kumar***, AIR 2020 SC 4424; ***Erudhaya Priya v. State Express Transport Corporation***, AIR 2020 SC 4284; ***Karthik Subramanyam v. B. Sarath Babu & Ors.***, 2021 ACJ (SC) 993; as well as ***National Insurance Company Limited v. Pranay Sethi***, 2017 ACJ 2700, while awarding compensation towards loss of future prospects. He, therefore, submitted that the contention of learned counsel for the Insurance Company that the award of compensation towards loss of future prospects is erroneous grant, cannot be accepted. He accordingly urged that the appeal be dismissed.

8. Regard being had to the rival submissions advanced by learned advocates appearing for the respective parties and upon perusal of the impugned judgment and award, as well as the record and proceedings of the case, the following questions arise for consideration:

- (i) Whether the learned Tribunal committed an error in taking into consideration the income-tax returns for the preceding three years for the purpose of assessing the income of the claimant?

(ii) Whether, in an injury claim, the learned Tribunal committed an error in awarding compensation towards loss of future prospects?

(iii) Whether the findings recorded by the learned Tribunal warrant interference by this Court?

9. As regards the involvement of the motorcycle in the accident, the liability of the owner to pay compensation and the liability of the Insurance Company to indemnify the owner and satisfy the award, the learned Tribunal has rightly recorded its findings. No contention has been raised by the Insurance Company before this Court on any of these issues.

10. While determining the quantum of compensation under Issue No.2, the learned Tribunal assigned the following reasons in paragraph 18 of the impugned judgment and award:

“18. Income: Claimant Pankajkumar has shown his monthly income to be Rs.28,000/- by working as Contractor and Civil Engineer. He has reiterated the same fact with regard to his occupation and income in his affidavit of evidence. The claimant has placed on record true copy of Bonafide Certificate issued by Parul Institute of Engineering & Technology, Vadodara vide Exh.23 and true copy of Marksheet issued by Technical Examination Board, Gandhinagar in respect of Program of Diploma in Civil Engineering vide Exh.24. These document would clearly show that the claimant was studying in 3rd Year Diploma in Civil Engineering and appeared in the exam of Surveying-II and Soil Engineering. So far as the income is concerned, the claimant has placed on record true copies of Income Tax Returns for the financial year of 2008-09, 2009-10, 2010-11 and 2011-12 vide Exh.25 to Exh.28, which appears to have filed during the respective years. As per these documents, the gross annual income of claimant for the financial year 2008-09 was Rs.1,56,000/-, for the financial year 2009-10

was Rs.4,41,500/-, for the financial year 2010-11 was Rs.3,15,600/- and for the financial year 2011-12 was Rs.4,17,189/- and the claimant had paid income tax of Rs.21158/- for financial year 2009-10, Rs.5898/- for financial year 2010-11 and Rs.15,777/- for financial year 2011-12. However, as admitted by the claimant, no proof of source of income is placed on record by the claimant and even, nothing is produced by the claimant to show that he was holding civil contract or having income from the said occupation. He has denied that for the purpose of obtaining more compensation, he has filed false Income Tax Return. Looking to the evidence of Income Tax Return, it shows that the claimant did not have continuous increase in income during the financial years from 2008 to 2012 and there was decrease in income of the claimant during Year 2010-11. In view of the above evidence and facts on record, according to the considered opinion of this Tribunal, though nothing is produced on record to show the exact occupation, having considered the documents relating to the education, copies of Income Tax Return and oral evidence of the claimant, the average annual income of the claimant can be said to be (Rs.156000 + Rs.441500+ Rs.315600+ Rs.417189/4) Rs.3,32,572.25. Moreover as appeared from the Income Tax Returns placed on record, the Income Tax as per the rules is payable on annual income of the claimant and applying the similar principle to consider the average of income tax on income of the claimant, the average annual income tax comes to (Rs.0 + Rs.21158+ Rs.5898 + Rs.15777/4) Rs.10708.25 and it requires to be deducted from the annual income of the claimant. Therefore, the net average annual income of the claimant comes to Rs.3,21,864/- and the same income requires to be taken in to consideration for the purpose of calculating the amount of compensation under the head of future economic loss.

11. The Insurance Company has seriously objected to approach of the learned Tribunal taking the income-tax returns as the basis for assessing compensation. The main contention of the Insurance Company is that, since the claimant was pursuing his studies at the time of the accident, he could not have had any independent source of income and that the income-tax returns produced at Exhs.25 and 28 were merely an eye-wash and did not establish the actual income of the claimant.

12. I find the aforesaid submissions wholly unfathomable. Firstly, in written statement or in by leading evidence, the Insurance Company did not dispute the factum of filing of the income-tax returns by the claimant. Even, no question in this regard was put to the claimant in his cross-examination. Secondly, income-tax returns are statutory documents which constitute relevant evidence for determining the income of a person. The evidentiary value of income-tax returns and the income assessed on the basis thereof cannot be lightly brushed aside Income-tax returns. Being statutory documents, constitute an important reference point for determining the income of a person, including a person earning income from business or professional activities. The income disclosed in such returns is income accepted for statutory purposes by the Income Tax Department. Therefore, in absence of any cogent or concrete evidence in contrast demonstrating that the income-tax returns were fabricated or that the income disclosed therein was artificially inflated, the mere assertion that such returns were filed with a view to exaggerate the income cannot be accepted.

13. The Hon'ble Supreme Court, in case of ***Rashmirekha Tripathi and Anr. v. The Branch Manager (Legal Claims), Shriram General Insurance Company Limited and Others***, 2026 LiveLaw (SC) 654, while reiterating the settled principle that the object of the claim proceedings under the Motor Vehicles Act, is to award just and fair compensation, while referring to the judgment in case of ***ICICI Lombard General Insurance Company Limited v. Ajay***

Kumar Mohanty and Anr., (2018)3SCC 686, held that the average income reflected in the income-tax returns for the preceding three years can be taken into consideration for determining the income of the business class claimant. In paras 14 to 20, the Hon'ble Supreme Court has held as under:

"14. Mr. Salil Paul, learned amicus curiae has submitted that this Court in [ICICI Lombard General Insurance Co. Ltd. v. Ajay Kumar Mohanty and Anr.](#)⁶ relied upon the average income of the ITRs for the previous three years to compute the income of the claimant therein.

15. At the outset, we must reiterate that it is settled law that the objective behind the claim process in the [Motor Vehicles Act](#) 1988 is to grant 'just and fair compensation'. Recently, a two-judge Bench of this Court in [V. Pathmavathi and Ors. v. Bharthi Axa General Insurance Co. Ltd. and Anr.](#)⁷ had succinctly summarised this position and observed:

"12. We ought to remind ourselves, at the outset, that when an individual dies as a result of a fatal road accident and his distressed dependents apply for compensation either from the owner of the vehicle responsible for the death or the insurance company with whom such vehicle is insured, no amount of money can truly compensate for the loss. Compensation is nothing but a rough estimate, being a token attempt to ease the financial burden on the dependents. Take consortium, for example. It is impossible to put a price on the loss of a loved one's companionship. Spousal, filial or parental compensation are all about acknowledging the emotional void but the payout can never be more than a rough approximation. It is like trying to measure the immeasurable. Considering the income of the deceased, the needs of his dependents and the emotional toll of the loss, the best that can be ensured is that the compensation is fair and reasonable, without being either arbitrary or niggardly. This would be in accord with the foundational principle governing the determination of "just compensation" under [Section 168](#) of the Act.

13. In Reshma Kumari v. Madan Mohan [(2013) 9 SCC 65], a three-Judge Bench of this Court held that the purpose of award of compensation under section 166 read with section 168 of the Act is to place the distressed dependents of the victim of a fatal road accident, if the victim had been the sole bread earner, in almost the same position financially if he lived his natural span of life. It is obviously not intended to put such distressed dependents in a better financial position in which they would otherwise have been if the accident had not occurred. At the same time, the determination of compensation is not an exact science and the exercise involves an assessment based on estimation and conjectures, here and there, as many imponderable factors and unpredictable contingences have to be taken into consideration. Obviously, award of damages in each case would depend on the particular facts and circumstances of the case but the element of fairness in the amount of compensation so determined is the ultimate guiding factor.” (emphasis supplied)

16. Similarly, another two-judge Bench of this Court in Anant v. Pratap and Anr.⁸, had expounded that ‘the purpose of compensation under the Motor Vehicles Act is to fully and adequately restore the aggrieved to the position prior to the accident.’

17. In the considered view of this Court, there can be no hard and fast formula for computing the annual income of a deceased person/claimant. ITRs being a statutory document are an important reference point when it comes to assessing one’s income, for the purposes of compensation under the Motor Vehicle Act.

18. We find force in the submission put forth by Mr. J.R Midha, learned senior counsel. There must be a bifurcation made between salaried individuals and self-employed individuals when it comes to assessment of annual income. In our view, for salaried individuals, only the ITR of the previous year will be sufficient for showcasing the annual income from salary. The reason for considering only the preceding year is that the financial impact of promotions is significant and may be reflected in the ITR for only that year. A situation may also arise whereby the deceased/claimant might not have completed a year in the promoted position before the accident or might not have filed ITR for such period. In such cases the Court concerned shall take

reference to the promotion letter and other corroboratory financial statements.

19. When it comes to self-employed / individuals carrying out their own business, in our view, the average of the income specified in the ITRs of up to the previous three years is to be taken as a reference point for assessment of annual income from their business. There may also be a scenario where only one or two ITRs have been filed. Given such scenarios and the fluctuation of income in these professions, surrounding circumstances are also to be taken into consideration. These would include:

a) The nature of the business (including geographic location, category etc.);

b) Growth pattern of the business and impact of death on the business;

c) Potential growth of business (for instance certain businesses are capital intensive at the outset and are profitable at scale/in the future);

d) Negative income (certain businesses may require losses in the initial years, which may not reflect the true financial standing); and

e) Any other relevant factor relating to the business.

20. The date when the ITRs are filed would also become a relevant consideration, as there may be scenarios where inflated income is showcased after death/injury. In these circumstances, the surrounding factors of the business would become more relevant. However, if sufficiently supported by financial statements, such ITRs may also be taken into consideration.

14. In view of the aforesaid settled legal position, the contention that the claimant, being a student, could not have earned income from any independent business or profession, or that the income-tax returns were filed merely to inflate his income, cannot be accepted. In the absence of any evidence to discredit the income-tax returns, the learned Tribunal was justified in taking the average income reflected therein for the

purpose of assessing the income of the claimant.

The second contention raised by the Insurance Company is that, since the claimant had not suffered injuries of such a nature as to completely incapacitate him from pursuing his occupation, he was not entitled to compensation towards loss of future prospects. This submission also runs contrary to the settled position of law.

15. The Hon'ble Supreme Court in case of ***Meena Pawaia and Others v. Ashraf Ali and Others***, (2021) 17 SCC 148, has recognized future prospects as an additional component while determining just and fair compensation and has observed that increase in income over a period of time is an inevitable phenomenon. The principle of future prospects is not confined only to cases where the deceased or injured person was in permanent employment. The Hon'ble Supreme Court in paragraphs 13, 14 and 15 held as under:

"13. We see no reason why the aforesaid principle may not be applied, which apply to the salaried person and/or deceased self employed and/or a fixed salaried deceased, to the deceased who was not serving and/or was not having any income at the time of accident/death. In case of a deceased, who was not earning and/or not doing any job and/or self employed at the time of accident/death, as observed herein above his income is to be determined on the guesswork looking to the circumstances narrated hereinabove. Once such an amount is arrived at he shall be entitled to the addition over the future prospect/future rise in income. It cannot be disputed that the rise in cost of living would also affect such a person.

14. As observed by this court in the case of [*Pranay Sethi*](#)

(Supra), the determination of income while computing compensation has to include future prospects so that the method will come within the ambit and sweep of just compensation as postulated under [Section 168](#) of the Motor Vehicles Act. In case of a deceased who had held a permanent job with inbuilt grant of annual increment and/or in case of a deceased who was on a fixed salary and /or self employed would only get the benefit of future prospects and the legal representatives of the deceased who was not serving at the relevant time as he died at a young age and was studying, could not be entitled to the benefit of the future prospects for the purpose of computation of compensation would be inapposite. Because the price rise does affect them also and there is always an incessant effort to enhance one's income for sustenance.

15. It is not expected that the deceased who was not serving at all, his income is likely to remain static and his income would remain stagnant. As observed in [Pranay Sethi](#) (Supra) to have the perception that he is likely to remain static and his income to remain stagnant is contrary to the fundamental concept of human attitude which always intends to live with dynamism and move and change with the time. Therefore we are of the opinion that even in case of a deceased who was not serving at the time of death and had no income at the time of death, their legal heirs shall also be entitled to future prospects by adding future rise in income as held by this court in the case of [Pranay Sethi](#) (supra) i.e. addition of 40% of the income determined on guesswork considering the educational qualification, family background etc., where the deceased was below the age of 40 years.

16. More recently judgment in case of **V. Pathmavathi and Others v. Bharthi Axa General Insurance Company Limited and Anr., AIR 2026 SC(Civil) 719**, the Hon'ble Supreme Court has further recognized loss of future prospects as an integral component of just compensation and has held that the benefit thereof cannot be confined only to persons in permanent government employment. The Hon'ble Supreme Court in paras 17 and 18 held as under:

"17. Equally significant is the High Court's omission to

consider grant of any amount towards future prospects. Assessment of income and the grant of future prospects are not matters of judicial discretion in the abstract but are now firmly structured by authoritative precedents. Having regard to the decision in [Pranay Sethi](#) (supra), the law on this aspect is no longer *res integra*. The Constitution Bench clarified therein that the concept of future prospects is an integral component of “just compensation” and is not confined only to those in permanent government employment. While this Court in *Sarla Verma v. DTC*¹⁵ adopted a structured approach, [Santosh Devi v. National Insurance Co. Ltd](#)¹⁶ marked a jurisprudential shift by recognising the economic realities faced by self-employed persons and those on fixed salaries. *Although Santosh Devi* (supra) was later held not to be a binding precedent on account of judicial discipline, the Constitution Bench in [Pranay Sethi](#) (supra) itself incorporated, refined and standardised the principle of future prospects for such categories by holding as follows:

59.1. The two-Judge Bench in *Santosh Devi* [*Santosh Devi v. National Insurance Co. Ltd.*, (2012) 6 SCC 421] should have been well advised to refer the matter to a larger Bench as it was taking a different view than what has been stated in *Sarla Verma* [*Sarla Verma v. DTC*, (2009) 6 SCC 121], a judgment by a coordinate Bench. It is because a coordinate Bench of the same strength cannot (2009) 6 SCC 121 (2012) 2 SCC 421 take a contrary view than what has been held by another coordinate Bench.

59.2. As *Rajesh* [*Rajesh v. Rajbir Singh*, (2013) 9 SCC 54] has not taken note of the decision in [Reshma Kumari](#) [*Reshma Kumari v. Madan Mohan*, (2013) 9 SCC 65], which was delivered at earlier point of time, the decision in *Rajesh* [*Rajesh v. Rajbir Singh*, (2013) 9 SCC 54] is not a binding precedent.

59.3. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

59.4. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was

between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

59.5. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121] which we have reproduced hereinbefore.

59.6. The selection of multiplier shall be as indicated in the Table in Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121] read with para 42 of that judgment.

59.7. The age of the deceased should be the basis for applying the multiplier.

59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.

18. Paragraph 59.4 of [Pranay Sethi](#) (supra) unequivocally mandates that where the deceased was self-employed or on a fixed salary and below the age of 40 years, an addition of 40% of the established income towards future prospects is compulsory. This is not a matter of choice, but a binding norm flowing from [Article 141](#) of the Constitution."

17. In view of the aforesaid settled legal position, the second contention raised by the Insurance Company that the claimant is not entitled to compensation towards loss of future prospects also cannot be accepted.

18. Having regard to the overall facts and circumstances of the case, this Court finds that the grounds raised by the Insurance Company in the present appeal are contrary to the settled principles of law laid down by the Hon'ble Supreme Court. Ergo, the Insurance Company has failed to demonstrate any perversity, illegality or material error in the findings recorded by the learned Tribunal warranting interference by this Court.

19. Before parting with judgment and order let me observe that the statutory right of appeal, though valuable, cannot be permitted to be exercised in a manner that results in abuse of the process of law. An appeal cannot be instituted merely to re-agitate issues which stand concluded by binding precedents, without demonstrating any legal or factual infirmity in the impugned judgment and award. The appellate remedy is intended to correct errors warranting judicial interference and not to provide an avenue for endless litigation. This aspect assumes greater significance in motor accident claim proceedings, where the claimant is a victim of a road accident who has already suffered bodily injury, permanent disability or, in appropriate cases, loss of life of a family member. The object of such proceedings is to provide expeditious and just compensation to the victim. Unnecessary prolongation of such proceedings, without any sustainable ground for interference, would only aggravate the hardship already suffered by the victim. The present appeal, therefore, amounts to nothing more than a re-agitation of issues which are already settled by the authoritative pronouncements of the Hon'ble Supreme Court. Such proceedings not only cause prejudice to the successful claimant but also consume valuable judicial time and resources of the Court, which is already burdened with substantial litigation.

20. In case of ***Dnyandeo Sabaji Naik v. Pradnya Prakash Khadekar, (2017) 5 SCC 496***, the Hon'ble Supreme Court deprecated the practice of filing frivolous proceedings and emphasized the need to impose appropriate costs where

the judicial process is abused.

21. Similarly, in case of ***Buddhi Kota Subbarao (Dr.) v. K. Parasaran, (1996) 5 SCC 530***, the Hon'ble Supreme Court cautioned against misuse of the judicial remedy and observed that no litigant has a right to make an unlimited demand upon the time of the Court and public resources for securing adjudication of his claim in the manner he desires.

22. In view of the aforesaid discussions, this Court finds no merit in the present appeal. The Insurance Company has failed to point out any error in the impugned judgment and award warranting interference by this Court. Though the nature of the appeal and the manner in which the grounds have been raised may justify imposition of costs, this Court, in the facts and circumstances of the case, severally criticize this approach, refrains from imposing costs.

23. Accordingly, the appeal is dismissed. The judgment and award dated 29.01.2025 passed by the Motor Accident Claims Tribunal (Aux.) & 2nd Additional District Judge, Dahod in MACP No.390 of 2012, is hereby confirmed. Interim relief, if any, stands vacated. The Record and Proceedings, if any, be sent back to the concerned Tribunal forthwith. Connected Civil Application does not survive and stands disposed of accordingly.

MANOJ

(J. C. DOSHI,J)