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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1757 of 2018

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UNITED INDIA INSURANCE COMPANY LIMITED.

Versus

GANPATBHAI MATHURBHAI PATEL & ORS.

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Appearance:
MS. MASUMI NANAVATI for MR VIBHUTI NANAVATI(513) for the Appellant(s) No. 1
RULE SERVED for the Defendant(s) No. 1,2
SERVED BY AFFIX. (R) for the Defendant(s) No. 3

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CORAM:**HONOURABLE MR.JUSTICE L. S. PIRZADA**

Date : 27/10/2026

ORAL ORDER

1. The present appeal has been preferred by the appellant, United India Insurance Company Limited, original opponent No. 3, under Section 173 of the Motor Vehicles Act, 1988, challenging the Judgment and Award dated 29.09.2017 passed by the Motor Accident Claims Tribunal (Main), Panchmahals at Godhra, in MAC Petition No. 708 of 2011.

2. Heard learned advocate Ms. Masumi Nanavati for learned advocate Mr. Vibhuti Nanavati appearing for the appellant.

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3. It is submitted that the present appeal has been preferred solely on the ground that the original claimant in MAC Petition No. 708 of 2011, who is respondent No. 3 in the present appeal, remarried immediately after the incident. It is further submitted that the learned Tribunal erred in holding that the claimant, being the widow of the deceased, was dependent on the income/estate of the deceased after his death on 04.02.2009, despite the fact that the original claimant, presently respondent No. 3, had remarried immediately.

4. Learned advocate Ms. Masumi Nanavati, appearing for the appellant, has heavily relied upon the judgment in the case of ***Anju Mukhi v. Satish K. Bhatia***, reported in ***1998 ACJ 400***, and submitted that the present appeal deserves to be allowed and the judgment and award passed by the learned Tribunal is required to be quashed and set aside, as the sole ground raised in the present appeal is that the claimant widow remarried immediately after the accident.

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5. As regards the factual matrix, on 04.02.2009, the deceased, Kamleshbhai Hirabhai Pateliya and one Mr. Raijibhai were travelling on a motorcycle. At about 20:00 hours, a truck bearing registration No. GJ-06-U-4797, driven in a rash and negligent manner, dashed against the motorcycle at Rinchhvani Village. As a result of the said accident, Kamleshbhai Hirabhai Pateliya died. In view of the said accident, the original claimant, Kamlaben, widow of the deceased, Kamleshbhai Hirabhai Pateliya, filed a claim petition being MAC Petition No. 708 of 2011, seeking compensation. The sole ground of challenge raised by the Insurance Company in the present appeal is that the widow remarried shortly after the accident and, therefore, is not entitled to compensation.

6. The issue is now well settled by the judgments of the Hon'ble Delhi High Court in MAC.APP. No. 26 of 2019, in the case of ***Dincy Devassy v. United India Insurance Co. & Ors.***, and the Hon'ble Telangana High Court in M.A.C.M.A. No. 2946 of 2009. The said

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judgments establish that the remarriage of a widow cannot be a ground for rejecting her claim for compensation, as such compensation is awarded on account of the death of her husband and the trauma and loss suffered by her as a consequence thereof.

7. Considering this, the present First Appeal No. 1757 of 2018 is devoid of any merits and is hereby dismissed. The Judgment and Award passed by the learned Tribunal is hereby confirmed. The Record and Proceedings, if any, shall be sent to the concerned Tribunal.

(L. S. PIRZADA, J)

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