

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PAVAN KUMAR DWIVEDI

ON THE 8<sup>th</sup> OF SEPTEMBER, 2025

MISC. APPEAL No. 2506 of 2025

*MANGILAL AND OTHERS*

*Versus*

*SHIVA AND OTHERS*

.....  
Appearance:

Shri Chetan Joshi, learned counsel for the appellants.

Shri Akshansh Mehra, learned counsel for the respondent [R-3].

.....  
WITH

MISC. APPEAL No. 2502 of 2025

*BAN SINGH*

*Versus*

*SHIVA AND OTHERS*

.....  
Appearance:

Shri Chetan Joshi, learned counsel for the appellants.

Shri Akshansh Mehra, learned counsel for the respondent [R-3].

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MISC. APPEAL No. 2503 of 2025

*MANGILAL*

*Versus*

*SHIVA AND OTHERS*

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Appearance:

Shri Chetan Joshi, learned counsel for the appellants.

Shri Akshansh Mehra, learned counsel for the respondent [R-3].

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MISC. APPEAL No. 2504 of 2025

*KU VARSHA D/O MANGILAL MINOR THROUGH NATURAL  
GUARDIAN MANGILAL*

*Versus*

*SHIVA AND OTHERS*

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Appearance:

Shri Chetan Joshi, learned counsel for the appellants.

Shri Akshansh Mehra, learned counsel for the respondent [R-3].  
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ORDER

All these four appeals have been filed under Section 173 of the Motor Vehicles Act challenging the award dated 13.09.2024 on the question of quantum.

2. The death/injuries/damage due to the accident by the insured vehicle and consequentially, liability of insurance company is not under dispute.

3. The short facts of the case are that on 23.01.2023 at round 06 O'clock in the evening, the driver of the truck No.MP11-H-1725, driving the same in rash and negligent manner, rammed into the house of the appellants which was situated just besides the road. Because of the said accident, a two years' boy Devendra @ Devant died. His father Mangilal suffered fracture in tibia fibula bone in right leg. Varsha, the daughter of Mangilal, suffered fracture on frontal bone of her head and there was damage to the house of Mangilal and his animals (cattle)/poultry had also died.

4. The appellants filed claim petition before the claims tribunal for the death of Devendra @ Devant being claim petition No.182/2023 and for the injuries to Mangilal and Varsha as well as damage to house claim petition

Nos.180/23, 181/23 and 183/23 were filed. The claims tribunal after recording the evidence in all the three claim petitions passed common award whereby amount of Rs.2,25,000/- was awarded for loss of dependency for the death of Devendra @ Devant. After awarding further amount in conventional heads, a total amount of compensation to the tune of Rs.3,57,000/- was awarded. Apart from this, for the injuries sustained by Mangilal, Rs.55,099/- was awarded in all heads. Similarly, for the injuries to Varsha, a total amount of Rs.87,400/- was awarded and for damage to the house and for cattle/poultry of the appellant-Mangilal, amount of Rs.65,000/- and Rs.30,000/- respectively was awarded.

5. Learned counsel for the appellant submits that with respect to case of Devendra @ Devant, he was a boy of 2 years and the claims tribunal after considering the amount of compensation has quantified the loss of dependency by taking his income at Rs.15000/- per annum. Thus, the amount of Rs.2,25,000/- has been awarded which is very less amount. Learned counsel submits that the issue has already been decided by the Hon'ble Apex Court in the case of **Meena Devi Vs. Nanu Chand Mahto @ Nemchand Mahto & others (arising out of SPC (Civil) No.5345 of 2019)** wherein an amount of Rs.4,50,000/- was awarded as compensation. Apart from this, an amount of Rs.50,000/- was also awarded in other heads, thus, total amount of Rs.5,00,000/- was awarded. Thus, he prays for enhancement of compensation considering the ratio in the case of **Meena Devi (supra)**

6. As far as case of Mangilal is concerned, learned counsel for the appellant submits that he suffered fracture in tibia fibula bone of his right

leg. He was not able to work for a period of three months due to the injuries. The claims tribunal has awarded amount of Rs.15000/- for pain and suffering and Rs.25,500/- was for loss of earning during treatment period. He submits that looking to the nature of the injuries sustained by the appellant, at least Rs.1 Lac should have been awarded for pain and suffering. As regards the case of Varsha, learned counsel for the appellant submits that the age of Varsha at the time of accident was about 5 years. She had suffered fracture on frontal bone of her head and she remained under treatment for a long period. However, the claims tribunal has awarded only a meager amount of Rs.20,000/- for pain and suffering. He thus prays for enhancement of compensation.

7. With respect to damage to the house and death of cattle/poultry, learned counsel for the appellant points out that the claims tribunal has awarded an amount of Rs.65000/- for his Pakka house and Rs.35000/- for Kachcha house without taking into account the damages to his cattle as also Ex.P-60 which is a certificate issued by Gram Panchyat, Badiya certifying damage to the extent of Rs.2 Lacs for Pakka house and Rs.1 Lac for Kachcha house. He prays for enhancement of the compensation at least to the extent as per the aforesaid certificate.

8. Per contra, learned counsel for the insurance company submits that an adequate compensation has been awarded for the death of Devendra @ Devant as he was only a boy of 2 years, thus, notional income was taken at Rs.15000/- per annum. As regards the other claimants - Mangilal and Varsha, he submits that both of them suffered simple injuries, thus, an adequate

compensation has been awarded to both of them. So far as damage to cattle/poultry and houses is concerned, learned counsel for the insurance company submits that the appellant has failed to produce any material document to establish the extent of damage, hence, the assessment of claims tribunal with respect to damage to the house is just and proper. He prays for dismissal of all the four appeals.

9. Heard the learned counsel for the parties and perused the record.

10. As far as the death of Devendra @ Devant is concerned, the question of quantification of compensation in case of death of a child has already been considered by the Hon'ble Supreme Court in various judgments. In the judgment of **Meena Devi (supra)**, the Hon'ble Supreme Court has considered this question in detail and has awarded compensation of Rs.4,50,000/-. In the considered view of this Court, in the present case also same amount of compensation deserves to be awarded to the appellant for the death of Devendra @ Devant who was a child of two years. As such, it is hereby directed that insurance company shall pay a **further amount of Rs.2,25,000/- over and above the amount already awarded** for the death of Devendra @ Devant.

11. As regards to injuries to Mangilal and Varsha, both of them have sustained fractures, Mangilal on tibia fibula bone of his right leg and Varsha on frontal bone of her head. Considering the over all compensation awarded by the claims tribunal, both of them are **hereby awarded additional amount of Rs. 40,000/- each over and above the amount already awarded by the claims tribunal**. As regards the damages to the house, it is seen that around 5 goats and 16 hens had died and 2 cows 1 buffalo got injured. Apart from this, to the damage of both the

houses, additional amount of Rs. 1,25,000/- is awarded to the appellant over and above the amount already awarded by the claims tribunal. The enhanced amount in all the 4 appeals shall carry interest at the rate of 6% from the date of the applications before the claims tribunal.

12. In view of the above, all the four appeals stand disposed of.

(PAVAN KUMAR DWIVEDI)  
JUDGE

N.R.