



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE PRADEEP MITTAL**

**ON THE 15<sup>th</sup> OF OCTOBER, 2025**

**MISC. APPEAL No. 2198 of 2010**

***SAKUNTI BAI GOND AND OTHERS***

*Versus*

***BASANT KUMAR VISHWAKARMA AND OTHERS***

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**Appearance:**

Shri Uday Kumar - Advocate for the applicant.

Shri Aneesh Chouksey – Advocate for respondents.

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**ORDER**

1. This miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988 has been filed against the award dated 25.02.2010, passed by the 3rd Additional Motor Accident Claims Tribunal, Fast Track, Lakhnadon, in MACC No. 29/2009.

2. Since the factum of the accident is not in dispute, it would suffice to state that on 22.01.2008, the deceased Suddu Gond, aged about 26 years, lost his life in a vehicular accident.

3. Learned counsel for the appellant submits that there is uncontroverted oral evidence of two witnesses on record stating that the deceased was earning Rs. 5,000/- per month from his work as a lineman. Despite this, the Tribunal failed to appreciate such evidence and erroneously applied notional income, which is generally reserved for non-earning persons. This, according to counsel, is contrary to several decisions of the Hon'ble Supreme Court and various High Courts.

4. It is further contended that deduction of 1/3rd towards personal expenses from the notional income is also against the law as laid down by the Hon'ble Rajasthan High Court and the Hon'ble Allahabad High Court, among others. It is also argued that future prospects of the deceased were not considered, and that the interest awarded is on the lower side. In support of his submissions, learned counsel relies on the judgment passed in *National Insurance Co. Ltd. vs. Devaki Paswan and others*, reported in 2014 ACJ 1101.

5. Per contra, learned counsel for the respondents has supported the award passed by the Claims Tribunal.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. In the absence of documentary evidence, the Tribunal declined to accept the income of the deceased as Rs.5,000/- per month. However, the oral testimony of the witnesses remained unchallenged on the point that the deceased was working as an unskilled lineman, engaged in household electrical work. In this context, the Tribunal erred in assessing the income below the prescribed wages under the Minimum Wages Act. As per the applicable rates on the date of accident, the deceased's income ought to have been assessed at 2651/- per month.

8. The contention of learned counsel for the appellant that the Second Schedule of the Motor Vehicles Act does not apply to determine personal expenses under Section 166, and that the Tribunal erred in deducting 1/3rd of income towards personal expenses, is not tenable. The law on this point has been clearly laid down by the Hon'ble Supreme Court in *Sarla Verma v. DTC*, which has been repeatedly affirmed and followed, including in *National Insurance Co. Ltd. v. Pranay Sethi*. The judgment in *Sarla Verma* lays down a binding and rational method for computing personal expenses, depending on the number of dependents. Therefore, the Tribunal rightly applied the deduction of 1/3rd, which is consistent with the law laid down by the Hon'ble Apex Court.

9. The Trial Court has also erred in not computing the compensation with respect to funeral expenses, loss of estate and consortium. Accordingly, Rs. 15000/- for funeral expenses, Rs.15000/- for loss of estate and Rs. 1,20,000/- for consortium. The appellants are entitled for 40% of future prospects according to month income Rs.2651/- which comes Rs. 3711/-.

| Head                                   | Computation / Details                                                                                     | Amount (in ₹)       |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------|
| 1. Monthly Income                      | As per Minimum Wages Act (2008)                                                                           | Rs. 2,651           |
| 2. Future Prospects (40%)              | 40% of ₹ 2,651 = ₹ 1,060                                                                                  | Rs. 1,060           |
| 3. Total Monthly Income                | Rs. 2,651 + ₹ 1,060                                                                                       | Rs. 3,711           |
| 4. Annual Income                       | Rs. 3,711 × 12                                                                                            | Rs. 44,532          |
| 5. Deduction towards Personal Expenses | 1/3rd of Rs. 44,532                                                                                       | Rs. 14,844          |
| 6. Annual Contribution to Family       | Rs. 44,532 – ₹ 14,844                                                                                     | Rs. 29,688          |
| 7. Multiplier                          | Age: 26 → Multiplier: 17                                                                                  | —                   |
| 8. Loss of Future Income               | Rs. 29,688 × 17                                                                                           | Rs. 5,04,696        |
| 9. Funeral Expenses                    | As per <i>Pranay Sethi</i>                                                                                | Rs. 15,000          |
| 10. Loss of Estate                     | As per <i>Pranay Sethi</i>                                                                                | Rs. 15,000          |
| 11. Loss of Consortium                 | As per <i>Magma General Insurance Co. Ltd.</i> (spouse, parents)(Assuming 3 dependents @ Rs. 40,000 each) | Rs. 1,20,000        |
| <b>Total Compensation</b>              |                                                                                                           | <b>Rs. 6,54,696</b> |

10. Accordingly, **the appeal is partly allowed.** The impugned award passed by the learned Motor Accident Claims Tribunal is modified to the extent that the claimants/appellants are held entitled to a total compensation

of Rs.6,54,696/- (Rupees Six Lakhs Fifty Four Thousand Six Hundred Ninety Six only), in place of Rs. 1,87,500/- as awarded by the Tribunal.

**11.** The enhanced compensation of Rs. 4,67,196/- (i.e., Rs. 6,54,696 – Rs.1,87,500) shall carry interest @ 6% per annum from the date of filing of the claim petition till the date of actual realization.

**12.** The Insurance Company is directed to deposit the entire enhanced amount along with accrued interest before the learned Tribunal within a period of six weeks from the date of receipt of a certified copy of this judgment.

**13.** Upon such deposit, the learned Tribunal shall ensure proper apportionment and disbursement of the amount to the appellants in accordance with law.

**(PRADEEP MITTAL)**  
**JUDGE**

Praveen