



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

BEFORE

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 17th OF OCTOBER, 2025

MISC. APPEAL No. 3350 of 2022

NIGHAT AND OTHERS

Versus

RAMDAS AND OTHERS

Appearance:

Shri Pravesh Naveriya - Advocate for appellant.

Shri Aditya Krishna – Advocate for respondent.

ORDER

1. This miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988 has been filed against the award dated 19.04.2022, passed by the First Additional Motor Accident Claims Tribunal, Fast Track, Betul, in MACC No. 47/2017.

2. Since the factum of the accident is not in dispute, it would suffice to state that on 19.05.2016, the deceased Appu@ Aaftab, aged about 28 years, lost his life in a vehicular accident.

3. Learned counsel for the appellant submits that the Tribunal has erred in holding that income of the deceased of Rs.5000/-. The deceased was

working as Photographer and on the date of incident i.e. 19.05.2016, the income of unskilled worker and as per minimum wages guideline the income of unskilled worker was 6850/- per month. Therefore, the Tribunal should be applied income of deceased Rs.6850/- per month. The Tribunal has also erred in holding the dependency expenses $\frac{1}{2}$ whereas the total dependent of deceased were three person, therefore, Tribunal should be applied $\frac{1}{3}$ in place of $\frac{1}{2}$. The consortium is also not given by the Tribunal as per the judgment of Apex Court in Pranay Sethi and Megma.

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. Having considered the submissions made by the learned counsel for the appellant and upon perusal of the material available on record, this Court finds merit in the contentions raised and passed the following order by modifying the award.

Head	Awarded by the Tribunal	Re-assessed by this Court
Monthly Income	₹5,000/-	₹6,850/-
Add: Future Prospects (40%)	₹2,000/-	₹2,740/-
Total Monthly Income	₹7,000/-	₹9,590/-
Annual Income	₹84,000/-	₹1,15,080/-

Head	Awarded by the Tribunal	Re-assessed by this Court
Less: Personal Expenses (1/3rd)	Rs. 42,000/-	Rs.38,360/-
Annual Contribution to Family	Rs.42,000/-	Rs.76,720/-
Multiplier	17	17
Loss of Dependency	Rs.7,14,000/-	Rs.13,04,240/-
Loss of Consortium (for 2 parents)	Rs.40,000/- (lump sum)	Rs.80,000/- (₹40,000 x 2)
Funeral & Last Rites	Rs.15,000/-	Rs.15,000/-
Loss of Estate	Rs.15,000/-	Rs.15,000/-
Total Compensation	Rs.10,24,000/-	Rs.14,14,240/-

8. Accordingly, the appeal is partly allowed. The impugned award passed by the learned Motor Accident Claims Tribunal is modified to the extent that the appellants/claimants shall be entitled to a total compensation of Rs. 14,14,240/- (Rupees Fourteen Lakhs Fourteen Thousand Two Hundred Forty only), in place of Rs. 10,24,000/- awarded by the Tribunal.

9. The enhanced compensation of Rs.3,90,240/- (i.e., Rs. 14,14,240/- minus Rs.10,24,000/-) shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till the date of actual realization.

10. The Insurance Company is directed to deposit the enhanced amount of Rs.3,90,240/- along with accrued interest before the learned Claims Tribunal within a period of six weeks from the date of receipt of a certified copy of this judgment.

11. The Insurance Company shall first satisfy the award by depositing the enhanced amount and interest as directed above, and shall thereafter be

entitled to recover the same from respondent Nos. 1 and 2 (i.e., the owner and driver of the offending vehicle), in accordance with law.

12. Upon such deposit, the learned Tribunal shall ensure proper apportionment and disbursement of the amount among the appellants/claimants in accordance with law, after due verification of their identity.

13. It is noted that the appellants have paid court fees on an amount of Rs. 3,00,000/- as per the value stated in the appeal. The appellants are hereby directed to pay the deficit court fee on the enhanced compensation amount as determined by this Court, in accordance with law.

(PRADEEP MITTAL)
JUDGE

Praveen