

NEUTRAL CITATION NO. 2025:MPHC-JBP:53206



**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. 4855 OF 2022
SMT. SONKALI MARAVI AND OTHERS
Versus
RITESH KUMAR YADAV AND OTHERS**

Appearance:

Shri Sanjay Kumar Saini, Advocate for appellants.

Shri Vinod Kumar Trivedi, Advocate for respondents.

ORDER

The present appeal has been filed by the appellants under Section 173 (1) of the Motor Vehicle Act, 1988 challenging the award dated 27.06.2022 passed by the Member, MACT, Mandla, in Claim Case No. 310 of 2021.

2. That, On 29.05.2021 deceased Surendra Kumar Maravi while going with Brijesh Dhurve to carry Grocery on motorcycle from Mandla was hit at village Jhiriya by a Truck bearing registration number MP 51G 0443 which was being driven rashly and negligently by the respondent no.1, owned by respondent No.2 & insured with the respondent No.3, sustained fatal injuries resulting into instantaneous death on the spot.

3. It is stated by the learned counsel for the appellants that the deceased was a skilled labour as per the notification of the Labour Department of Govt. of M.P. and his income should have been assessed according to the notification. The trial court also erred in excluding the dependency of the father of the deceased. Learned counsel for the appellants has placed reliance on judgment passed in case of **Smt. Amna and another Vs. Roral Transport Service and others (2008) ILR (MP) 125, Nur Ahamad Abdulsab Kanavi Vs. Abdul Munaf and others 2015 INSC 191, M. Seetharama @ Seetharama Gowda Vs. The Manager Future General India Insurance Co. Ltd. And Others, Sadhana Tomar & Others Vs. Ashok Kushwaha & Others, 2025 (2) JLJ 55, Deepankar Vishwas V. State of Madhya Pradesh through P.S. Omti, District Jabalpur, 2025 (2) JLJ 61, Ibrahim Vs. Raju and others 2012 AIR (SC) 534.**

4. Heard the learned counsel for the parties.

5. Somkali Marawi PW/1 has categorically stated that his husband used to work as a Mason and earned Rs.15000/- per month. Her father-in-law aged about 60 year also lived with his son and was dependent upon the deceased. There is no evidence regarding the income of the deceased father, therefore, the finding of the learned tribunal is erroneous regarding the non-dependency of father of the deceased. Secondly, it is also not rebutted in the evidence that the deceased was a labour therefore, the assessment of the income of Rs.5000/- is on the lower side. In my opinion the income of the deceased should be calculated and assessed as per the guideline of the Minimum Wages Act.

6. It is evident from the record that the deceased was about 28 years old at the time of accident. In the absence of documentary evidence, the Tribunal disbelieved the income of the deceased as Rs.10000/- per month. However, the oral testimony of the witnesses remained unchallenged on the point that the deceased was working as an unskilled mason, engaged in building structures. In this context, the tribunal erred in assessing the income of the deceased 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 Rs.8700/- per month.

7. It is not in dispute that the respondent No. 1 was responsible for causing the accident and the offending vehicle was insured with respondent No. 3 on the fateful day. The only question for determination in this appeal is as to whether the amount awarded by the learned Tribunal requires modification or not?

8. Considering the overall facts and circumstances of the case, this court is of the opinion that in addition to the amount awarded by this learned MACT, the appellants are entitled for enhancement of the amount as under: -

Head	Computation / Details	Amount (in Rs.)
1. Monthly Income	As per Minimum Wages Act (2008)	8,700/-
2. Future Prospects (40%)	40% of Rs. 8,700 = Rs. 3480/-	3480/-
3. Total Monthly Income	Rs. 8,700 + Rs. 3480	12,180/-
4. Annual Income	Rs. 12,180 × 12	1,46,160/-
5. Deduction towards Personal Expenses	1/3rd of Rs. 1,46,160	48,720/-

Head	Computation / Details	Amount (in Rs.)
6. Annual Contribution to the Family	Rs. 1,46,160 – Rs. 48,720	97,440/-
7. Multiplier	Age: 28 → Multiplier = 17	—
8. Loss of Future Income	Rs. 97440 × 17	16,56,480/-
9. Funeral Expenses	As per <i>Pranay Sethi</i> judgment	15,000/-
10. Loss of Estate	As per <i>Pranay Sethi</i> judgment	15,000/-
11. Loss of Consortium	As per <i>Magma General Insurance Co. Ltd.</i> (4 dependents × Rs. 40,000)	1,60,000/-
Total Compensation		18,46,480/-
Deduction	Rs. 18,46,480 – Rs. 10,22,000	8,24,480/-
Payable to the Claimants		Rs. 8,24,480/-

9. In view of the foregoing discussion, the appeal stands partly allowed and the impugned award is modified to the extent indicated herein above subject to the following conditions: -

(i) The respondent No. 3 is directed to deposit the compensation amount within 60 days from the date of this order, failing which the execution can be taken out against him.

(ii) The claimant is directed to pay the requisite court fee, if required in the present case.

(iii) On such deposit, the claimant is permitted to withdraw the amount with accrued interest and costs, by filing a proper application before the tribunal.

(iv) The record be sent back to the learned Tribunal within three weeks from this day.

(v) As a consequence, interlocutory applications pending consideration, if any, shall stand closed.

(vi) No order as to cost.

(PRADEEP MITTAL)
JUDGE

MSP