IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 697 of 2017

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PIYUSHKUMAR JENTILAL PETHANI

Versus

DIPAKBHAI DHIRAJLAL MAKWANA & ORS.

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Appearance:
MR TUSHAR L SHETH(3920) for the Appellant(s) No. 1
MS KARUNA V RAHEVAR(3818) for the Defendant(s) No. 3
RULE SERVED for the Defendant(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 08/10/2026

JUDGMENT

Though served, none remained present for respondent Nos.1 and 2.

1. The present First Appeal, under Section 173 of Motor Vehicles Act, 1988, is preferred by the appellant – original claimant being aggrieved and dissatisfied with the judgment and award dated 1.9.2016 passed by the Motor Accident Claims Tribunal, Dhoraji in Motor Accident Claim Petition No.553 of 2012 (Old No.293 of 2011).

2. Since the factual aspects of the case involving the vehicle in the road accident and the liability of the owner as well as the insurer are not disputed by the Insurance Company, to streamline the consideration of the present appeal, I have adopted approach that avoids burdening the judgment with unnecessary narration, since the facts are already detailed in the record and there is no practical purpose in restating the same. Likewise, re-evaluating the

underlying findings would serve no useful purpose in the appeal. The efficiency of stating the facts and evaluating the evidence is entirely justified, since the core element remains undisputed. Thus, reiterating these settled matters would only clutter the final judicial analysis. Therefore, this Court can safely adopt the existing record without further review. This omission ensures a focused, clear, and efficient resolution of the remaining issue argued before the Court.

3. Learned advocate for the appellant - claimant has submitted that the Tribunal has committed an error in not properly calculating the amount of compensation. It is submitted that amount of award is on lower side as the Tribunal has not properly considered the various aspects; like pain, shock and suffering, transportation, special diet, medical expenses etc.

3.1 Learned advocate for the appellant has submitted that the compensation is required to be enhanced by modifying the award impugned accordingly and this appeal may be allowed.

4. *Per contra*, learned advocate for respondent – Insurance Company has submitted that the impugned judgment and award passed by the Tribunal is just and proper and therefore, it is prayed to dismiss the appeal.

5. Apt to note that the Motor Vehicle Act, 1988 is a beneficial piece of Legislation. The concept of just and fair compensation is integral and seminal to the MV Act. The compensation to be awarded under the principle of just and fair

compensation to the injured of the road accident or the legal representative/s of the deceased person is based on the principle of fairness, reasonableness and equability. Anguish of the heart or for mental turbulence being consequential result of the road accident cannot be actually compensated, but the quint essentiality lies in adopting holistic and pragmatic view to the computation of the compensation for the loss sustained, which is to be in the realm of realistic approximation. Although exact or perfect arithmetical calculation of compensation for reparation of the loss arrived from the road accident is almost impossible. The Tribunal is bestowed with duty to make an endevour to award just compensation regardless of the amount claimed by the claimant. The determination of the quantum of compensation therefore, must be liberal and not niggardly since the law values life and limb in a free country in generous scale. Needless to state that money may be awarded, so that something tangible may be procured to reach something else of the like nature, which has been destroyed or lost, but money cannot renew physical frame that has been battered and shattered being a result of the road accident. Yet Tribunal to endavour to bring back victim to stage of pre-road accident as far as possible Thus, the award must be reasonable and cannot be assessed with moderation though it cannot at the same time be pity and what could be granted must be just, fair and equitable compensation.

6.1 I have considered the submissions made by the rival parties. I have perused the record and proceedings of the

Tribunal. I have gone through the impugned judgment and award passed by the learned Tribunal. From the record, it transpires that the learned Tribunal has committed error in assessing and granting the compensation and the same is required to be enhanced suitably.

6.2 The claimant has produced documentary evidence which proves that his father was agriculturist and he is presumed to be agriculturist and doing agricultural work. The injury sustained by the claimant might disturb the day-to-day affairs. Further, the rate of minimum wage at the relevant time was Rs.4660/-. However, I am inclined to accept Rs.5000/-.

6.3 Therefore, total compensation would be as under, which the claimant/s is/are entitled to get.

Particulars	**Amount (Rs.)**
Future loss of income	2,89,800/-
Loss of actual income	20,000/-
Pain, shock and suffering	20,000/-
Medical expenses	33,000/-
Special diet, attendant charges, transportation	7500/-
Total...	3,70,300/-
Less : Amount which is already awarded	2,19,400/-
Additional amount which is awarded	**1,50,900/-**

7. Therefore, I hold that the claimant are entitled to get

the enhanced compensation of **Rs.1,50,900/-** with **9% p.a**. interest from the date of filing the claim petition till its realisation, which would meet the ends of justice.

8. For the reasons recorded above, the following order is passed.

8.1 The present appeal is **partly allowed**.

8.2 The Insurance Company is directed to deposit the enhanced amount **Rs.1,50,900/-** with 9% p.a. interest from the date of claim petition till its realization before the concerned Tribunal, within a period of eight weeks from the date of receipt of this order. Rest of the direction(s) of the Tribunal remain same.

8.3 The Tribunal shall disburse the entire awarded amount lying in the FDR and/or with the Tribunal, with accrued interest thereon, if any, to the claimant, by account payee cheque / NEFT / RTGS, after proper verification and after following due procedure.

8.4 While making the payment, the Tribunal shall deduct the courts fees, if not paid, in accordance with rules/law.

9. Record and proceedings be sent back to the concerned Tribunal, forthwith.

(J. C. DOSHI,J)

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 08/10/2026 16:55:48