

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS..... OF 2026
(@Special Leave Petition (Civil) Nos.13038-13039 of
2026)

SHARDABEN BHIKHUBHAI VEKARIYA

& ORS. ETC.

... APPELLANT(S)

VERSUS

MAYURBHAI VITHTHALBHAI

MOVALIYA & ORS. ETC.

...RESPONDENT(S)

O R D E R

Time taken for disposal of the claim petitions by the MACT	Time taken for the disposal of appeals by the High Court	Time taken for the disposal of the appeals in this Court
3 years 10 months 24 days	7 months 15 days	2 months 19 days

Leave granted.

2. These appeals arise from a common judgment of the High Court of Gujarat dated 26.09.2025, later modified

on 13.11.2025, whereby compensation awarded by the Motor Accident Claims Tribunal, Gondal, in MACP Nos. 37 and 38 of 2020 was partly enhanced.

3. The facts are not in dispute. On 12.03.2020, two young students, Hirenbai Bhikhubhai Vekariya and Abhaybai Ravjibhai Parmar, both aged 17 years and pursuing their 12th Standard education, met with a tragic accident. While returning from their examination, the motorcycle ridden by Hirenbai (with Abhaybai as pillion rider) was struck by a BMW car driven in rash and negligent manner. Both sustained grievous injuries and succumbed.

4. FIR was initially registered against an unknown vehicle, but investigation revealed the involvement of BMW Car No. GJ-03-LB-4554. The Tribunal, by judgment dated 18.07.2024, held the driver of the BMW car 90% negligent and attributed 10% contributory negligence to the rider of the motorcycle. Compensation of ₹11,97,600/- (MACP No. 37/2020) and ₹13,30,600/- (MACP No. 38/2020) was awarded.

5. In appeal, the High Court enhanced the compensation to ₹13,44,510/- and ₹14,93,900/- respectively, but while doing so, considered the notional monthly income of the deceased at ₹9,000/- only.

6. Having regard to the fact that both deceased were bright students, aspiring to pursue professional education in engineering, this Court finds the income assessed by the High Court inadequate. Following the principles laid down in *S. Mohammed Hakkim v. National Insurance Co. Ltd.*¹ and *Navjot Singh v. Harpreet Singh*², the notional monthly income is fixed at ₹15,000/-.

7. Regarding the issue of negligence, we have examined the findings of the Courts below. We find that the High Court's assessment of the scene of the offence and the nature of the head-on collision was based on the factual records and evidence presented. Accordingly, we uphold the High Court about contributory negligence as determined in the impugned judgment.

¹ (2025 INSC 905)

² (2020 SCC OnLine SC 1562)

8. In the case of Hirenbai Bhikhubhai Vekariya (MACP No. 37/2020), the deceased was survived by three legal heirs: his mother, Shardaben Bhikhubhai Vekariya, his father, Bhikhubhai Jivrajbhai Vekariya, and his brother, Shubham Bhikhubhai Vekariya. Although the Tribunal initially considered only the parents as Class-I heirs, we take note of the larger family dependency for the assessment of personal expenses.

9. Consequently, for Hirenbai, the addition of 40% towards future prospects and the multiplier of 18 are maintained, and a deduction of 1/3 towards personal expenses is applied. The revised calculation is as follows:

CHART I - Compensation for Hirenbai Bhikhubhai Vekariya (MACP No. 37/2020 / FA No. 363/2025)

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.15000/-	
Yearly Income	Rs.1,80,000/-	
Future Prospects (40%), age 17 years	1,80,000+ (40% of 1,80,000) 72,000 = Rs. 2,52,000/-	<i>National Insurance Co. Ltd. v. Pranay</i>

Multiplier (18)	2,52,000 x 18 = Rs. 45,36,000/-	<i>Sethi</i> (2017) 16 SCC 680 <i>Para 42 & 59.4</i>
Deduction (1/3)	45,36,000 - (1/3 of 45,36,000) 4,03,200= Rs. 30,24,000/-	
Loss of Income/Future Earnings due to Disability	Rs. 30,24,000/-	
Loss of Consortium	48400 x 2 = 96,800/-	
Loss of Estate	Rs. 18,150/-	
Funeral Expenses	Rs. 18,150/-	
TOTAL	Rs. 31,57,100/-	

The difference in compensation is as under:

MACT	High Court	This Court
Rs.11,97,600/-	Rs.13,44,510/-	Rs. 31,57,100/-

10. In the case of Abhaybhai Ravjibhai Parmar (MACP No. 38/2020), the deceased was survived by three active legal heirs. For Abhaybhai, a deduction of 1/3 towards personal expenses is applied in view of his dependents, and no negligence deduction is warranted as he was a pillion rider. The revised calculation is as follows:

CHART II - Compensation for Abhaybhai Ravjibhai Parmar

(MACP No. 38/2020 / FA No. 370/2025)

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.15000/-	
Yearly Income	Rs.1,80,000/-	
Future Prospects (40%), age 17 years	1,80,000+ (40% of 1,80,000)72,000 = Rs. 2,52,000/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i>
Multiplier (18)	2,52,000 x 18 = Rs. 45,36,000/-	(2017) 16 SCC 680 <i>Para 42 & 59.4</i>
Deduction (1/3 rd)	45,36,000- (1/3 rd of 45,36,000) 4,03,200= Rs. 30,24,000/-	
Loss of Income/Future Earnings due to Disability	Rs. 30,24,000/-	
Loss of Consortium	48400 x 2 = 96,800/-	
Loss of Estate	Rs. 18,150/-	
Funeral Expenses	Rs. 18,150/-	
TOTAL	Rs. 31,57,100/-	

The difference in compensation is as under:

MACT	High Court	This Court
Rs.13,30,600/-	Rs.14,93,900/-	Rs. 31,57,100/-

11. Accordingly, the appeals are allowed.

12. In view of the above, we hereby award a total compensation of Rs. 31,57,100/- (Rupees Thirty-One Lakh Fifty-Seven Thousand One Hundred Only) to the legal heirs of Hirenbhai Bhikhubhai Vekariya (MACP No. 37/2020 / FA No. 363/2025) and a total compensation amount of Rs. 31,57,100/- (Rupees Thirty-One Lakh Fifty-Seven Thousand One Hundred Only) to the legal heirs of Abhaybhai Ravjibhai Parmar (MACP No. 38/2020 / FA No. 370/2025), respectively. The impugned award stands modified accordingly.

13. The respondent-Insurance Company (Respondent No. 3) shall deposit the enhanced compensation, after adjusting sums already paid within eight weeks. The amount shall carry interest @ 9% per annum from the date of filing of claim petitions till realization.

14. The amount be directly remitted into the bank account of the claimants. The particulars of the bank account are to be immediately supplied by the learned counsel for the appellants to the learned counsel for the respondent. The amount be remitted positively

within a period of eight weeks thereafter. The period of delay in filing this appeal shall be excluded during the computation of interest.

15. We further direct that, if the claimant has not yet received the amount in terms of the judgment passed by the High Court, the same shall be remitted within eight weeks. However, if the amount already stands deposited, either before the High Court or the Tribunal, the same shall be disbursed to the claimants together with the entire interest accrued thereon.

16. Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
May 14, 2026