

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 526/2025

United India Insurance Company Limited, Through Its Legally
Constituted Authority, T.p. Hub, 74A, Bhati N Plaza, Pal Road,
Jodhpur

-----Appellant

Versus

1. Smt. Pushukanwar W/o Late Sh. Dalpat Singh, R/o Baraj Baori, Near Cbi Office, Lalsagar, Mandore Road, Jodhpur
2. Arvind Singh Rathore S/o Late Sh. Dalpat Singh, Minor Through His Natural Guardian Mother Smt. Pushukanwar R/o Baraj Baori, Near Cbi Office, Lalsagar, Mandore Road, Jodhpur
3. Gopal Singh S/o Sangra Ram Rajput, R/o Village Dhanrikhurd, P.s. Khedapa, Tehsil Baori, Dist. Jodhpur (Driver)
4. Raju Ram S/o Hari Ram Jat, R/o Village Balaya, Tehsil And Dist. Nagaur

-----Respondents

For Appellant(s) : Mr. Jagdish Vyas

HON'BLE MS. JUSTICE REKHA BORANA

Order

27/02/2025

1. Learned counsel for the appellant submits that the learned Tribunal erroneously considered rental income as well as the income from other sources to be a part of income of the deceased while computing the compensation amount. Learned counsel submits that the said incomes could not be considered and only the income qua salary ought to have been considered.
2. Learned counsel further submits that the story of accident/incident as pleaded by the claimants is also doubtful as

had any electric wire fallen upon the bus in question, the other passengers would also have been affected but the same did not happen.

3. Learned counsel submits that when the Court computed future prospects @25% considering age of the deceased to be 40+, the multiplier ought to have been 14 and not 15.

4. Learned counsel lastly submits that the learned Tribunal awarded interest @9% p.a. from the date of passing of the award whereas the same ought to have been @6% p.a. only as per the prevailing rate of interest.

5. In view of the submissions made, Admit. Issue notice. Issue notice of the stay application also.

6. Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the appellant for service through registered post acknowledgment due.

7. Postal receipts of '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

8. Notices be made returnable on 15.04.2025.

9. Meanwhile, effect, operation and execution of the impugned judgment and award dated 28.10.2024 passed by Motor Accident Claims Tribunal-cum-Labour Court, Jodhpur in Motor Accident Claim Case No.531/2021 (154/18) (NCV No.378/2021) shall remain stayed subject to the appellant-Insurance Company depositing an amount of Rs.25,00,000/- (Rupees Twenty Five Lacs only) with interest, after adjusting the amount already paid, if any, within a period of six weeks from now with the learned Tribunal.



The amount when deposited be disbursed to the claimants in terms of the award.

10. The learned Tribunal is directed to send the record to this Court after disbursal of the amount to the claimants.

(REKHA BORANA),J

4-T.Singh/-