

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

S.B. Civil Misc. Appeal No. 831/2004

1. Smt. Geeta Devi W/o Dhana Ram, Aged about 56 years.
2. Dhana Ram S/o Kuma Ram
3. Bhugani Devi D/o Dhana Ram
4. Suman Devi D/o Dhana Ram.

All b/c Meghwal, R/o Karkedi Police Station, Chitava Post Sablupura via Kuchaman City District Nagaur.

Appellants-claimants No.3 and 4 are minors through their natural guardian, the father Dhana Ram, Appellants-Claimant No.2.

-----Appellants-Claimants

Versus

1. Gordhan Ram Alias Goru S/o Sewa Ram, B/c Jat R/o Karkedi Police Station, Chitava Tehsil Nava District Nagaur.
2. Bodu Ram S/o Ghasi Ram, B/c Jat R/o Losal, Ward No.1 District Sikar.
3. United India Insurance Company Ltd. through its Branch Officer, Sikar and Divisional Office at Residency Road, Jodhpur.

-----Respondents-Non-claimants

Connected With

S.B. Civ. Cros. Obj. Misc. App No. 32/2005

Bodu Ram S/o Shri Ghasi Ram, by caste Jat, R/o Losal Ward No.1, District Sikar, Rajasthan.

-----Appellant/Owner of the bus.

Versus

1. Smt. Gita Devi W/o Shri Dhanna Ram, Aged 57 years.
2. Dhanna Ram D/o Kuma Ram, Aged 60 years.
3. Bhugani Devi D/o Dhanna Ram, aged 18 years.
4. Suman Devi D/o Dhanna Ram, Aged 16 years.

The respondent No.4 is a minor through her natural guardian and father Shri Dhanna Ram S/o Shri Kuma Ram,
All by Caste Meghwal, R/o Karkeri, P.S. Chitawa, Post Sabalpur via Kuchaman City, District Nagaur.

Claimants.

5. Gordhan Ram Alias Goru S/o Shri Sewa Ram, By caste Jat, R/o Village Karkeri, P.S. Chitawa, Tehsil Nawa, District Nagaur

(Raj.).

Driver of the bus.

6. United Insurance Company Ltd. Office Sikar, District Sikar.

----Insurer of the Bus.

For Appellant(s)	:	None.
For Respondent(s)	:	Mr. Vikram Choudhary Mr. Mahesh Thanvi.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Judgment

10/02/2026

S.B. Civil Misc. Appeal No. 831/2004:-

1. Heard learned counsel for the respondents.
2. Since the matter has been pending for consideration before this Court for more than 21 years, therefore, the same is being decided in the absence of the learned counsel for the appellants.
3. The present appeal has been filed by the appellants for enhancement of the compensation awarded by the Motor Accident Claims Tribunal, Parbatsar vide its judgment and award dated 03.01.2004, wherein, in an accident, which occurred on 23.04.2002, Parmeshwarlal died. After death of Parmeshwarlal, claimants preferred a claim application before the learned Tribunal and the learned Tribunal after framing of the issues decided the claim application vide judgment dated 03.01.2004, whereby an award of Rs.1,94,000/- has been passed. Being dissatisfied with the award passed by the learned Tribunal, the present appeal has been filed.
4. Learned counsel for the respondents submits that the award passed by the learned Tribunal is required to be re-computed in light of the judgment of the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi reported in (2017) SC 5157** in the following manner:-

The age of deceased was 22 years, therefore, a multiplier of 18 will be applied.

	Income of the deceased =2400/- per month Unmarried hence 2400/2=1200/-		
(I)	Compensation due to death	1200 x12 x 18	Rs. 2,59,200/-
(II)	Future Prospects (40%) (self employed)		Rs. 1,03,680/-
		Total Award	Rs. 3,62,880/-
	(-)Amount already awarded by the Tribunal		Rs. 1,94,000/-
	Enhanced amount		Rs. 1,68,880/-

5. In view of the re-computation of the award, the present appeal is partly allowed. The appellants-claimants are entitled for an amount of **Rs.1,68,880/-** in addition to the amount already awarded by the learned Tribunal vide its judgment and award dated 03.01.2004.

6. The respondents are directed to pay the enhanced amount of **Rs.1,68,880/- (Rupees One Lakh Sixty Eight Thousand Eight Hundred Eighty Only)** to the appellants-claimants within a period of six weeks from today. The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim application till the same is paid.

S.B. Civ. Cros. Obj. Misc. App No. 32/2005:-

1. Nobody has appeared on behalf of the cross objectors.
2. I have gone through the relevant record of the case.
3. It has been averred in the cross objection application that the deceased Parmeshwarlal, on account of rash and negligent driving by the Driver of the bus, succumbed to the injuries sustained by him in the accident occurred on 23.04.2002. It is

further stated that since the bus was fully insured, therefore, there is no liability on the part of the owner of the bus to pay any compensation. It is also stated that if at all any compensation is required to be paid in the present case, then the liabilities of paying the same squarely falls on respondent No.6, which is the Insurance Company and, therefore, it is prayed that the judgment of the learned Tribunal fastening the liability of paying the compensation jointly and severally may be quashed and set aside and it may be held that it is the Insurance Company who may indemnify the award amount.

4. I have gone through the pleadings and the judgment & award passed by the learned Tribunal.

5. The finding of fact on all the issues recorded by the learned Tribunal is based on the evidence available on record. Since the award passed by the learned Tribunal does not suffer from any factual mistake during appreciation of evidence on the factum of accident and has been rightly passed by it, therefore, this Court is not inclined to interfere in the findings recorded by the learned Tribunal.

6. Thus, there is no substance in the present cross objection application filed by the applicants and the same is hereby dismissed.

(VINIT KUMAR MATHUR),J