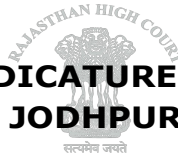




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Civil Misc. Appeal No. 890/2004

1. Ramesh Chandra S/o Jora Ram, Age 53 years
 2. Smt. Rukma Devi W/o Rameshwar Lal, aged 47 years
- Both R/o Bilara, Tehsil Bilara, District Jodhpur, Rajasthan.

----Appellants

Versus

1. Madanlal S/o Lal G, R/o Nayapura, maliyo Ka Bas, Phalodi, District Jodhpur.
2. Bhanwari Devi Wo Narshingh Ranga, R/o Jabalpur, Sharda Chowk, Nagpur Road Jabalpur, District Jabalpur (MP). At present R/o A-211, Shastri Nagar, Jodhpur, Rajasthan.
3. National Insurance Co. Ltd, Through Divisional Manager, Divisional Office at 12, Residency Road, Jodhpur 432003, Rajasthan.
4. Jagdish Puri /o Bhura Puri Goswami, R/o Devlikala, Tehsil – Raipur, District Pali, Rajasthan.
5. The New India Assurance Co. Ltd, Divisional Office, Shanti Mension, Kotwali Scheme, Khai Land Market, Ajmer – 305110.

----Respondents

For Appellant(s)	:	Mr. Mudit Vaishnav
For Respondent(s)	:	Mr. TRS Sodha

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Judgment

10/02/2026

1. Heard learned counsel for the parties.
2. The present Civil Misc. Appeal has been filed seeking enhancement of the compensation amount awarded by learned Motor Accident Claims Tribunal, Sojat Camp, Jaitaran, District Pali



(hereinafter referred as 'the learned tribunal') in MAC Case No.17/2002 vide its judgment and award dated 09.02.2004.

3. A claim petition was filed by the claimants-appellants on account of the accident, which occurred on 05.12.2001 in which, Yogesh, who was driving the motorcycle lost his wife. The learned tribunal after framing the issues decided the claim petition of the appellant and has awarded compensation of Rs.1,50,000/- vide judgment and award dated 09.02.2004.

4. Being dissatisfied with the award dated 09.02.2004, the present appeal has been filed by the appellant for enhancement of the amount of compensation awarded by the learned tribunal.

5. Learned counsel for the appellant submits that the amount awarded by the learned tribunal is on the lower side and it needs to be substantially enhanced and is required to be recomputed in the light of the judgment rendered by the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi reported in (2017) SC 5157.**

6. Learned counsel for the insurance company is not in a position to refute the submissions made by the learned counsel for the appellant.

7. Considering the submissions made before this Court, this court is of the opinion that interest of justice will be met, if the amount of compensation is recomputed in the light of the judgment rendered by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra) as under:-

The age of the deceased was 28 years, therefore, the appropriate multiplier of 17 will be applied.



Income – Rs.3,000/-		
(I)	Compensation due to death $2100 \times 17 \times 12 = \text{Rs.}4,28,400/-$	
(II)	Future Prospects – 40% $40\% \text{ of } 4,28,400 = 1,71,360/-$	
(III)	Deduction – $1/2$ (unmarried) $(4,28,400 + 1,71,360 = 5,99,760 \times 1/2)$ $= 2,99,880/-$ $(5,99,760 - 2,99,880 = 2,99,880)$	Rs. 2,99,880
(IV)	Consortium 48000×2	Rs.96,000/-
(V)	For Loss of Estate	Rs.18,000/-
(VI)	Funeral Expenses	Rs.18,000/-
	Total (III+IV+V+VI)	Rs.4,31,880/-
	Amount already awarded by the Tribunal	Rs.1,50,000/-
	Enhanced amount	Rs.2,81,880/-

8. Accordingly, the present appeal is partly allowed and the respondent – Insurance company is directed to pay the enhanced amount of Rs.2,81,880/-(Rupees Two Lac Eighty One Thousand Eight Hundred Eighty only) in addition to the amount already awarded by the learned Motor Accident Claims Tribunal, Sojat Camp, Jaitaran, District Pali in MAC Case No.17/2002 vide judgment and award dated 09.02.2004. The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim petition till the same is paid to the appellant.

(VINIT KUMAR MATHUR),J