

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1018/2020

Ramawatar S/o Babulal Gurjar, Aged About 41 Years, R/o Village Jasota, Tehsil And District Dausa (Raj.)

----Appellant

Versus

1. Kishore Singh S/o Mahadev Singh, R/o Village Barkhera, Post Khairwal, Tehsil And District Dausa (Raj.)
(Driver Vehicle No. Rj-12-Uc-0199)
2. Mukesh Kumar Saini S/o Hanuman Sahay Saini, R/o Maliyo Ki Dhani, Village Raysar, Tehsil Jamwaramgarh, District Jaipur (Raj.)
(Owner Vehicle No. Rj-12-Uc-0199)
3. United India Insurance Company Limited, Through Branch Manager, Branch Office, Jaipur Road, Dausa (Raj.)
(Insurance Company Vehicle)

----Respondents

For Appellant(s)	:	Mr.Buddhi Prakash Sharma
For Respondent(s)	:	Mr.Ram Singh Bhati

JUSTICE ANOOP KUMAR DHAND

Order

16/02/2026

1. By way of filing the instant appeal, a challenge has been made to the impugned judgment dated 01.11.2019 passed by the Motor Accident Claims Tribunal, Dausa (for short, "the Tribunal") in MAC Case No.215/2018 by which the claim petition submitted by the claimant-appellant (hereinafter referred to as "the claimant") has been partly allowed and the respondents have been directed to pay amount of compensation of Rs.6,02,369/- to the claimant along-with interest.

2. Learned counsel for the claimant submits that the claimant was waiting for a conveyance on 06.05.2017, but on the way, a vehicle Tavera bearing No.RJ14-UC-0199 caused an accident, wherein the claimant has suffered several injuries, which has resulted in 42% permanent disability. Counsel submits that while assessing the loss, the Tribunal has erred in reducing the permanent disability 42.76% to 35% without any basis and the daily wage of the claimant has been assessed for 26 days, which should have been assessed for 30 days in the light of the judgment passed by this Court in the case of **Nandu Devi & Anr. Vs. Sohan Lal & Ors.**, while deciding **S.B. Civil Misc. Appeal No.769/2017**. Counsel further submits that under the head of future prospects, not a single penny has been awarded while the age of the claimant was 38 years at the time of accident, hence, he is entitled to get 40% amount under the head of future prospects against the amount of compensation, hence, under these circumstances, interference of this Court is warranted.
3. *Per contra*, learned counsel appearing on behalf of the respondent-insurance company opposes the arguments raised by counsel for the claimant and submits that a reasoned and cogent award has been passed by the Tribunal, after taking into consideration each and every fact and evidence available on record, hence, under these circumstances, interference of this Court is not warranted and the appeal is liable to be rejected.
4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that the claimant met with an accident and suffered several injuries on several parts of his body, which has resulted in 42.76% permanent disability. Perusal of the disability certificate, i.e., Ex.17 indicates that it has been issued by the Medical Board comprising three Doctors, which reflects that because of the injuries suffered by the claimant, the claimant is not in a position to sit cross-legged on the ground, without any basis, the Tribunal has reduced the permanent disability, i.e., from 42.76% to 35% for the purpose of assessing the loss of income of the claimant.

6. The Tribunal, while assessing income of the claimant, has treated the claimant as daily wage, i.e., high skilled labour, while assessing his income, the same has been determined for 26 days instead of 30 days, in the light of the judgment passed by this Court in the case of **Nandu Devi** (supra), hence, the impugned award needs suitable enhancement under this head and the impugned award further indicates that not a single penny has been awarded to the claimant under the head of future prospects, as per the judgment passed by the Hon'ble Apex Court in the case of **National Insurance Company Limited Vs. Pranay Sethi & Ors.** reported in **2017 (16) SCC 860**. The claimant is also entitled to get future prospects @ 40% as his age was 38 years at the time of accident in the light of the judgment passed by the Hon'ble Apex Court in the case of **Pranay Sethi** (supra).

9. Therefore, in the light of the discussion made hereinabove, the claimant is entitled to get the following amount of enhanced compensation as reproduce in the table hereinunder:-

Monthly income (along-with 40% addition towards future prospectus)	Rs.277 X 30 = Rs.8,310/- Rs.8,310/- + Rs.3,324/- = Rs.11,634/-
Annual income	Rs.11,634 X 12 = Rs.1,39,608/- p.a.
Multiplier to be applied (according to 38 years of age)	15 Rs.1,39,608/- X 15 = Rs.20,94,120/-
Loss of Income (Owing to 42.76% disability)	Rs.8,95,445.712p
Pain and suffering	Rs.5,000/-
Hospitalisation Charges	Rs.2,000/-
Medical Bills	Rs.1,41,649/-
Total compensation awardable	Rs.10,44,094.712p
Less amount awarded by the Tribunal	Rs.6,02,369p
Enhanced amount of compensation	Rs.4,41,725.712p

10. Accordingly, the instant appeal stands partly allowed. The award passed by the Tribunal stands modified to the extent that the claimant would now be entitled to get a further sum of Rs.4,41,725.712p by way of enhanced compensation and the remaining terms and conditions of the award shall remain intact.

11. It is further ordered that out of the enhanced amount a sum of Rs.50,000/- be deposited in the Savings Bank Account of the claimant and the remaining amount be deposited in a fixed deposit with any Nationalized Bank initially for a period of three years and the interest accrued on the said amount shall be paid to the claimant on monthly basis.

12. The respondents are directed to deposit the enhanced amount within a period of four weeks from today with interest @ 6% per annum from the date of filing of the claim petition.

(ANOOP KUMAR DHAND),J