

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No.406/2023

Raees S/o Jumma Khan, Aged About 38 Years, R/o Saadat Ganj,
Kalipaltan, Tehsil And Distt. Tonk (Raj.)

----Appellant

Versus

1. Mohd. Hasan S/o Jumma Khan, R/o Saadat Ganj,
Kalipaltan, Tehsil And Distt. Tonk (Raj.) (Vehicle Driver
Vehicle No. Rj-26-Sa-2024)
2. Mohd. Hussain S/o Basheer Mohd., R/o Moti Bagh, Talaab
Ki Paal, Tehsil And Distt. Tonk (Raj.) (Vehicle Owner
Vehicle No Rj-26-Sa-2024)
3. United India Insurance Company Ltd., Branch Office Near
Nizaam Factory, Subhash Market, Tonk (Raj.)

----Respondents

For Appellant(s)	:	Mr. Praveen Kumar Jain with Mr. Bhadar Singh
For Respondent(s)	:	Mr. Rahul Lodha with Mr. Shubham Gupta

JUSTICE ANOOP KUMAR DHAND

Order

24/02/2026

1. By way of filing the instant appeal, a challenge has been led to the impugned judgment dated 24.11.2022 passed by the Motor Accident Claims Tribunal, Tonk (for short "the Tribunal") by which the claim petition has been partly allowed and the respondents have been directed to pay a compensation of Rs.1,53,606/- to the claimant.
2. Aggrieved by the aforesaid, the appellant-claimant (for short "the claimant") has approached this Court seeking further enhancement of the amount of compensation.

3. Learned counsel for the claimant submits that the injured met with an accident on 17.08.2018 and the same was caused by the driver of the motorcycle bearing registration No.RJ-26-SA-2024 while driving the said offending vehicle in a rash and negligent manner. Learned counsel submits that because of the aforesaid accident, the injured has suffered several injuries on various parts of his body, which has resulted in 11% permanent disability. Learned counsel submits that not a single penny under the head of future prospects has been granted. He submits that, at the time of accident, the age of the claimant was 35 years. He submits that even under the other heads, i.e., mental agony, a petty amount of Rs.5,000/- only has been awarded, while the claimant has remained hospitalized for the period of five days and as per the disability certificate, there is around 30% restriction in the movement of his right knee, hence, under these circumstances, the impugned award needs to be suitably enhanced.

4. *Per contra*, learned counsel appearing on behalf of the respondent-Insurance Company opposed the arguments raised by learned counsel for the claimant and submitted that after considering overall facts and circumstances of the case, which have been available on the record, an appropriate amount of compensation has been awarded by the Tribunal and needs no further interference of this Court and the appeal is liable to be rejected.

5. Heard and considered the submissions made at the Bar and perused the material available on the record.

6. Perusal of the record indicates that the appellant has met with an accident and suffered several injuries on various parts of his body, which has resulted in 11% permanent disability.
7. This fact is not in dispute that as per the disability certificate issued by three members of the Medical Board, there is 30% restriction in the movement of his right knee and this fact is also not in dispute that the claimant has remained hospitalized for a period of five days and not a single penny under the head of future prospects has been awarded to the claimant.
8. Considering overall facts and circumstances of the case, the impugned award is modified and the claimant is entitled to get the following amount of compensation:-

Monthly Income (Add 40% towards future prospects)	$213 \times 30 + 213 \times 30 \times 40/100$ = Rs. 8946/-
Annual Income	8946×12 = Rs.1,07,352/-
Multiplier to be applied	16 $1,07,352 \times 16$ = Rs.17,17,632/-
For Loss of Income (owing to 11% permanent disability)	$17,17,632 \times 11/100$ = Rs.1,88,939.52/-
Contributory Negligence	10% $1,88,939.52 - 1,88,939.52 \times 10/100$ = Rs. 1,70,045.56p
For Nutritious food	Rs.5000/-
For Pain & Suffering and Mental Agony	Rs.25,000/-
For Medical Bills	Rs.8578/-
For Transportation	Rs.5000/-
Total Compensation Awardable	2,13,623.56p
Less amount awarded by the Tribunal	Rs. 1,53,606/-
Enhanced amount of compensation	Rs.60,017.56p

9. Thus, in the facts and circumstances, an amount of Rs.60,017.56p is required to be enhanced in the present case and the respondent-Insurance Company is directed to pay the enhanced amount in addition to the amount already awarded by the Tribunal under the judgment and award dated 24.11.2022 in the savings bank account of the claimant, within a period of two months from the date of receipt of the certified copy of this order. Needless to say, the enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim petition, till the actual payment is made.

10. With the aforesaid observations, the appeal stands disposed of. All pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J