HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 941/2025

Moolchand S/o Kishan Lal, aged about 48 Years, R/o Bhindor, Post Dudhi Amloda, Tehsil Viratnagar, District Jaipur.

----Appellant/Claimant

Versus

1. The Oriental Insurance Company Limited, through Authorized Officer, Office Anand Bhawan, Sansar Chandra Road, Jaipur (Insurance Company Maruti Alto Car Number RJ-14-CF-0728)
2. Vijaypal S/o Kajodmal, aged about 37 Years, R/o Todaldi, Post Dhola, Police Station Chandwaji, Tehsil Jamwaramgarh, District Jaipur (Driver Maruti Alto Car Number RJ-14-CF-0728)
3. Kajodmal S/o Mangalchand, aged about 65 Years, R/o Todaldi, Post Dhola, Police Station Chandwaji, Tehsil Jamwaramgarh, District Jaipur (Registered Owner Maruti Alto Car Number RJ-14-CF-0728)

----Respondents/Non-Claimant

For Appellant(s)	:	Mr. Ram Sharan Sharma
For Respondent(s)	:	Mr. Tripurari Sharma with Mr. Bhupendra Singh

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JUSTICE ANOOP KUMAR DHAND

Order

26/02/2026

1. By way of filing the instant appeal, a challenge has been led to the impugned award dated 20.11.2024, passed by the Motor Accident Claims Tribunal No. 2, Shahpura District Jaipur (for short, 'the Tribunal') in MAC Case No. 11/2023, by which the claim petition submitted by the appellant-claimant (for short, 'the claimant') has been partly allowed and the respondents have been directed to pay a compensation of Rs.2,11,900/- to the claimant

along with interest @ 6% p.a. from the date of filing the claim petition.

2. Feeling aggrieved and dissatisfied by the impugned judgment and award, the claimant has approached this Court by way of filing the instant appeal seeking enhancement of the amount of compensation.

3. Learned counsel for the claimant submits that the claimant met with an accident on 10.03.2020 and the same was caused by the driver of Maruti Aulto Car bearing No.RJ-14-CF-0728 i.e. respondent No. 2 by driving the same in a rash and negligent manner. Counsel submits that in the aforesaid accident, the claimant has suffered injuries on his entire body and also fractured the Tibia and Fibula bone in his left leg. Counsel submits that a disability certificate was also issued by the members of the Medical Board which indicates that the permanent disability of the claimant is 21.25%. Counsel submits that at the time of accident, the claimant was engaged in the job of labour and agriculturist but while assessing his loss of income, a lumpsum amount of Rs. 1,50,000/- has been awarded by the Tribunal instead of assessing his wages on a monthly basis. Counsel submits that the theory of multiplier should have also been applied in terms of the judgment passed by Hon'ble Apex Court in the case of **Sarla Verma and Ors. Vs. DTC and Anr,** reported in **2009(6) SCC 121**. Counsel further submits that not a single penny under the head of future prospects has been awarded in terms of the judgment passed by the Hon'ble Apex Court in the case of **National Insurance Company Vs. Pranay Sethi,** reported in **2017(16)SCC 680.**

Hence under these circumstances, the impugned award needs to be suitably enhanced.

4. Per contra, counsel appearing on behalf of the Insurance Company opposes the arguments raised by counsel for the appellant and submits that the alleged accident has occurred on 10.03.2020 whereas the disability certificate was issued on 23.09.2022, i.e., more than two and half years after the date of the accident. Hence, the genuineness of the said disability certificate is doubtful considering that the treating doctor, who treated the claimant, not been examined before the Tribunal. He further submits that looking to the injury suffered by the claimant, i.e. fractured of tibia and fibula bone, the claimant would have recovered from such injuries within a period of 2-3 months. Hence, under these circumstances, the disability certificate issued by the Medical Board cannot be relied upon. Counsel submits that considering the material, documents and evidence available on record, a just and proper compensation has been awarded by the Tribunal while passing the impugned judgment and award, which does not require any interference of this Court and the present appeal submitted by the appellant is liable to be rejected.

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

6. This fact is not in dispute that the accident has occurred on 10.03.2020. This fact is not in dispute that in the aforesaid accident, the claimant has suffered injury on his left leg for which his medico-legal report was prepared by the Government Hospital at Shahpura and an X-ray report was also prepared which indicates that the claimant has suffered fracture of tibia and fabula

bone in his left leg. This fact is also not in dispute that the disability certificate of the claimant was prepared on 23.09.2022, i.e., after a delay of more than two and half years but the genuineness of this certificate cannot be doubted as the same has been issued by the three members of the Medical Board of a Government Hospital i.e. Community Heath Centre, Sanganer. This Court has perused the statement of the claimant as well as the cross-examination of the claimant done by the counsel appearing on behalf of the Insurance Company before the Tribunal and upon such peusal it appears that not a single line about the genuineness of this certificate has been asked in the cross-examination of the claimant, hence, the genuineness of this certificate cannot be doubted. Looking to the fact that this fact has been established on record of the Tribunal that the injured was a labour and was engaged in agricultural work, the Tribunal should have calculated his loss of income on the basis of the daily wages prevailing at the time of the accident instead of calculating the loss of income in a lump sum way. In the instant case, the accident has occurred on 10.03.2020 and the relevant time, the daily wages of unskilled labour was 225 rupees per day. Hence the Tribunal should have calculated his loss of income on the basis of the aforesaid aspect of the matter.

7. This Court finds substance in the arguments raised raised by counsel for the appellant that theory of multiplier is also applicable in injury cases also as per the judgment passed by Hon'ble Apex Court in the case of **Sarla Verma**(Supra). Looking to the fact that the age of the claimant was 45 years at the time of accident, the multiplier of 14 would be applicable in the instant case and the

claimant is further entitled to get additional amount of compensation towards the head of future prospects i.e. 25% looking to his age at the time of the accident, i.e. 45 years.

8. Considering the overall facts and circumstances of the case, the claimant is entitled to get following enhanced amount as reproduced in the table hereunder:-

Monthly Income (Along with 25% future prospects)	225 X 30 + 225X 30 X 25% 6750+1687.5 = Rs. 8437.5P
Annual Income	8437.5 X 12 = Rs. 1,01250/-
Multiplier to be applied	14 101250 X 14 = Rs. 14,17,500/-
Loss of Income (owing to 21.25% disability)	14,17,500 X 21.25% = Rs. 3,01,218.75p
Hospitalization Charges (for six days)	Rs. 4200/-
Operation cost	Rs. 5000/-
Medical Bills	Rs.2700/-
Pain and Suffering	Rs. 50,000/-
Total Compensation Awardable	Rs. 3,63,118.75p
Less compensation awarded by the Tribunal	Rs. 2,11,900/-
Enhanced Compensation	Rs. 1,51,218.75p

9. The appeal accordingly stands allowed and the impugned award passed by the Tribunal stands modified to the extent that the appellant-claimant is entitled to get a further sum of Rs. 1,51,218.75p by way of the enhanced compensation and the remaining terms and conditions of the award shall remain intact.

10. 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.

11. 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

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