

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5866/2016

1. Smt. Manju W/o Late Narendra Kumar @ Narendra Singh, Tihay Tehsil Fatehpur, Distt. Sikar
2. Mu. Chand Kaur D/o Late Narendra Kumar @ Narendra Singh, R/o Tihay Tehsil Fatehpur, Di, Minor Through Natural Guardian Smt. Manju W/o Late Narendra Kumar @ Narendra Singh, R/o Tihay Tehsil Fatehpur, Distt. Sikar Mother
3. Rajendra Singh @ Rajkumar S/o Late Narendra Kumar @ Narendra Singh, R/o Tihay Tehsil Fa, Minor Through Natural Guardian Smt. Manju W/o Late Narendra Kumar @ Narendra Singh, R/o Tihay Tehsil Fatehpur, Distt. Sikar Mother

----Appellants

Versus

1. Nahar Singh S/o Gokulchand, By Caste Daroga, Working As Driver, Ward No. 06, Nawalgarh, Tehsil Nawalgarh, Distt. Jhunjhunu Raj. Driver Of Bus No. Rj-18-Pa-1212
2. Smt. Dr. Anita Dhaka W/o Rajesh Dhaka, R/o Station Road, Nawalgarh, Distt. Jhunjhunu Raj., Present Principal Girls College, Dundlod, Sekhawati, Tehsil Nawalgarh, Distt. Jhunjhunu Owner Of Bus No. Rj-18-Pa-1212
3. Iffco Tokio General Insurance Company Ltd., Iffco Sadan, Distt. Centre, Saket, New Delhi Insurance Company Of Bus No. Rj-18-Pa-1212

----Non-Claimants/Respondents

4. Mohan Lal S/o Rajuram, Working As Agriculturist, Tihay Tehsil Fatehpur, Distt. Sikar
5. Smt. Bhagwati W/o Mohanlal, Tihay Tehsil Fatehpur, Distt. Sikar

----Claimants-Respondents

For Appellant(s)	:	Mr. Pawan Dagur
For Respondent(s)	:	Mr. C.S. Jodha

HON'BLE MR. JUSTICE SANDEEP TANEJA

Judgment

27/04/2026

1. The present appeal has been filed by the appellants-claimants (for short 'appellants') under section 173 of the Motor Vehicle Act, 1988 against the judgment and award dated 07.04.2016 passed by the learned Motor Accident Claims Tribunal, Jhunjhunu (for short 'Tribunal') in M.A.C. Case No. (271/09) 795/2013 whereby the claim petition filed by the appellants and respondent No.4 & 5, was partly allowed.

2. The brief facts of the case are that the appellants and respondent No.4 & 5 filed a claim petition before the learned Tribunal, stating therein that on 15.09.2009, when Narendra Kumar (since deceased) was coming from Sekhawati Engineering College, Doondlod, a bus bearing registration No. RJ-18-PA-1212, being driven by respondent No.1 in a rash and negligent manner, hit the deceased. As a result of which, he sustained serious injuries and later on died during treatment.

3. The learned Tribunal, vide impugned judgment and award, partly allowed the claim petition and awarded a compensation of Rs.7,82,000/- in favour of the appellants and respondent No.4 & 5, along with interest @ 7% per annum from the date of filing of the claim petition till payment.

4. Being dissatisfied with the impugned judgment and award, this appeal has been preferred by the appellants seeking enhancement of the compensation so awarded.

5. Learned counsel for the appellants has made the following submissions:-

- i. While calculating the loss of dependency, the learned Tribunal has erred by not making any addition in the income of deceased towards future prospects.
- ii. Compensation of Rs.40,000/- should be awarded to each of the five claimants, towards loss of consortium.
- iii. The claimants are entitled to compensation towards loss of estate.

6. *Per contra*, learned counsel for respondents has opposed the submissions made by learned counsel for the appellants and has submitted that the award passed by the learned Tribunal is just and proper; and therefore, requires no interference by this Court. It is submitted that the learned Tribunal has awarded a sum of Rs.20,000/-

towards funeral expenses, however, the appellants are entitled for compensation of Rs.15,000/- towards the same.

7. Heard learned counsel for the parties and perused the impugned judgment and award.

8. In view of the principles laid down by the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. Vs. Pranay Sethi** reported in **(2017) 16 SCC 680** and **Magma General Insurance Company Vs. Nanuram @ Chuhru Ram & Ors.** reported in **(2018) 18 SCC 130**, this Court is in agreement with the submission made by learned counsel for the appellants. Hence, the compensation as awarded by the learned Tribunal deserves to be enhanced in the following terms:-

- i. The learned Tribunal noted that at the time of accident, the age of the deceased was 30 years. Therefore, while calculating the compensation towards loss of dependency, addition @ 40% will be made in the income of the deceased towards future prospects.
- ii. Under the head of loss of consortium, each of the five claimants is entitled to get compensation of Rs.40,000/- separately. Accordingly, the total compensation under this head would be Rs.2,00,000/-. As the learned Tribunal has awarded Rs.1,50,000/- towards loss of consortium, therefore, the compensation towards the same is enhanced by Rs,50,000/-.
- iii. A compensation of Rs.15,000/- is awarded under the head of loss of estate.

9. Moreover, this Court also finds substance in the submission made by learned counsel for the respondents. Therefore, the compensation towards funeral expenses will be Rs.15,000/- instead of Rs.20,000/-, as awarded by the learned Tribunal.

10. As a result of the above discussion, the compensation payable to the appellants is re-computed as under:-

S.No.	Particular	Amount assessed
1.	Monthly Income	Rs.4,000/-
2.	Annual Income	Rs.4,000 x 12 = Rs.48,000/-
3.	According to the age of the deceased i.e. 30 years, multiplier of 17 to be applied	Rs.48,000 x 17 = Rs.8,16,000/-
4.	Add 40% towards future prospects (+)	Rs. 8,16,000 + Rs.3,26,400 = Rs.11,42,400/-
5.	As per dependency, 1/4th of the income to be deducted for personal expenses of deceased (-)	Rs.11,42,400 – Rs.2,85,600 = Rs.8,56,800/-
6.	Loss of consortium (five claimants)	Rs.40,000 x 5 = Rs.2,00,000/-
7.	Loss of Estate	Rs.15,000/-
8.	Funeral Expenses	Rs.15,000/-
	Total compensation (S.No.5+6+7+8)	Rs.10,86,800/-
	Less amount awarded by the Tribunal (-)	Rs.7,82,000/-
	Enhanced amount of compensation	Rs.3,04,800/-

11. Accordingly, the compensation awarded by the learned Tribunal is enhanced by **Rs.3,04,800/-**. The rest of the impugned award shall remain intact. The respondents are directed to deposit the enhanced amount within a period of two months from today.

12. It is directed that the enhanced amount shall carry interest at the same rate as awarded by the learned Tribunal, from the date of filing of the claim petition. The enhanced amount shall be disbursed in terms of the award passed by the learned Tribunal.

13. The present appeal is disposed of in the above terms.

14. All pending applications, if any, also stand disposed of.

(SANDEEP TANEJA),J