

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 6652/2016

Bijendra S/o Shri Mangtu Ram, R/o Dhani Aakhala, Tan-Hloawas,
Tehsil Bansur, District A, Rajasthan, minor Through His Natural
Guardian Father Mangtu Ram S/o Shri Leela Ram

----Appellant

Versus

1. Ashok Kumar S/o Shri Jagdish Prasad, R/o Buchahera
Mohalla, Kotputli, District Jaipur, Raj. Driver Of Vehicle
No. RJ-02-CB-3253.
2. Rampal Singh S/o Shri Swaroop Singh, R/o Nayabas,
Tehsil Bansur District Alwar, Rajasthan Owner Of Vehicle
No. RJ-02-CB-3253.
3. National Insurance Company Ltd Through Regional
Manager, Divisional Office, 61, Aerodrum Road, Alwar,
Raj. Insurance Company Of Vehicle No. RJ-02-CB-3253

----Respondents

For Appellant(s)	:	Mr.Jai Kishan Yogi with Mr.Yenu Satyam
For Respondent(s)	:	Mr.Praveen Jain Mr.Manish Parashar

JUSTICE ANOOP KUMAR DHAND

Order

27/02/2026

1. By way of filing the instant appeal, a challenge has been made to the impugned judgment and award dated 19.08.2016 passed by the Motor Accident Claims Tribunal-cum-Additional District Judge, Bansur, District Alwar (for short, "the Tribunal") in Claim Case No.114/2014, 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 compensation of Rs.1,13,726/- to the claimant along-with interest @ 8% p.a. from the date of filing of the claim petition.

2. Learned counsel for the claimant submits that the claimant has suffered several injuries on various parts of his body on account of the accident that occurred on 08.09.2013 and the same was caused by the Driver of vehicle-Nano bearing No.RJ02-CB-3253, ie., the respondent No.1. Counsel submits that on account of the aforesaid accident and the injuries caused to the claimant, he has suffered 11% permanent disability on his left leg and as per the statement of the Doctor, there is restriction in the movement of his left leg. However, without any basis, the 11% permanent disability has been reduced to 8% permanent disability by the Tribunal while calculating the compensation awardable to the claimant under the head of loss of income.

3. Counsel further submits that under the head of loss of future prospects, not a single penny has been awarded by the Tribunal, hence the impugned award needs suitable enhancement.

4. *Per contra*, learned counsel appearing on behalf of the respondent-Insurance Company opposes the arguments raised by counsel for the claimant and submits that the 11% permanent disability suffered by the claimant is not of his entire body, but the same is confined to his left leg, hence, the Tribunal has not committed any error by treating the same as 8% permanent disability instead of 11% permanent disability while calculating the loss of income of the claimant. Counsel further submits that after considering the overall facts and circumstances of the case as well as documents and evidence available on record, a just and proper

compensation has been awarded in favour of the claimant by the Tribunal which does not require any interference of this Court and the instant appeal is liable to be rejected.

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

6. Perusal of the record indicates that the claimant has suffered certain injuries on account of the accident, which has resulted in the claimant is suffering from 11% permanent disability. The disability certificate in this regard has been issued by the 3 Members of the Medical Board, which indicates that there is restriction in the movement of the claimant's left leg and this fact has been overlooked by the Tribunal and without any basis, 11% permanent disability of the claimant has been reduced to 8% permanent disability, which should have been considered as 11% and accordingly, the compensation should have been granted under the head of loss of income. While passing the impugned award, not a single penny has been awarded by the Tribunal under the head of future prospects in terms of the judgement 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**.

7. Considering overall above facts and circumstances of the case, the instant appeal stands partly allowed and the claimant would be entitled to get following enhanced amount of compensation, which is reproduced as under:

Annual income	Rs.30,000/-p.a.
Multiplier to be applied	15 = Rs.4,50,000/-

40% Future Prospects	Rs.4,50,000/-+Rs.1,80,000/- =Rs.6,30,000/-
Loss of Income (Owing to 11% disability)	Rs.6,30,000/- X 11% =Rs.69,300/-
Medical Bills	Rs.53,726/-
Nutritious diet and attendant's expense	Rs.4,000/-
Transportation expense	Rs.10,000/-
Pain and Suffering	Rs.10,000/-
Total compensation awardable	Rs.1,47,026/-
Less amount awarded by the Tribunal	Rs.1,13,726/-
Enhanced amount of compensation	Rs.33,300/-

8. Accordingly, the instant appeal stands partly allowed and the award passed by the Tribunal stands modified to the extent that the claimants would now be entitled to get a further sum of Rs.33,300 /- by way of enhanced compensation and the remaining terms and conditions of the award shall remain intact.

9. It is further ordered that the enhanced amount of compensation, i.e., Rs.33,300/- be deposited in the Savings Bank Account of the claimant. The enhanced amount would be paid in terms of the liability fastened upon the respondent Nos.1 to 3 by the Tribunal.

10. It is further made clear that the respondents would deposit the enhanced amount within a period of four weeks from today with interest @ 6% p.a. from the date of filing of the claim petition.

11. All pending application, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J