

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1411/2019

Kanhaiya Lal S/o Shri Mishri Lal, Aged About 33 Years, R/o Village Kishanpura Post Shergarh P.S. Masuda Tehsil Masuda District Ajmer (Raj.).

----Appellant

Versus

1. Satyanarayan S/o Shri Panchu Lal Khati, R/o Padaga Tehsil Bhinay District Ajmer (Raj.) (Driver Of The Truck No. RJ-01-GB-204)
2. R.K.D. Jodha S/o Shri Gheesa Singh Jodha, R/o LIC Colony, Vaishali Nagar, Ajmer (Raj.) (Owner Of The Truck No. RJ-01-GB-204)
3. The New India Assurance Company Ltd., Khailand Market, Ajmer (Raj.) Having Its Regional Office At Nehru Place, Tonk Road, Jaipur. (Driver Of The Truck No. RJ-01-GB-204)

----Respondents

For Appellant(s) : Mr. Jai Prakash Gupta with
Mr. Udaijeet Singh Rathore

For Respondent(s) : Mr. Om Prakash Gupta, through VC

JUSTICE ANOOP KUMAR DHAND
Judgment

19/02/2026

1. The present appeal has been preferred against the judgment dated 03.11.2018 passed by the Motor Accident Claims Tribunal No.1-cum-Additional District Judge, Beawar, (hereinafter referred to as "the Tribunal") in MAC Case No.63/2015 by which the claim petition submitted by the claimant-appellant (hereinafter referred to as "the claimant") has been partly allowed and the respondents are directed to pay compensation of Rs.4,68,866/- to the claimant.
2. Feeling aggrieved and dissatisfied by the same, the claimant has approached this Court by way of filing the instant appeal seeking enhancement of the impugned award.

3. Learned counsel for the claimant submits that the claimant met with an accident on 14.01.2014 and an accident was caused by the driver of the Truck bearing No. RJ-01-GB-204 by driving the aforesaid vehicle in a rash and negligent manner.

4. Counsel further submits that in the aforesaid accident, the claimant has suffered injuries on left lower limb and the Medical Board of three doctors have issued a disability certificate for the same. It indicates that the claimant has suffered 31.6% permanent disability but the Tribunal has treated the same as 20% without any basis.

5. Counsel submits that while determining and assessing the income of the claimant, he was treated as unskilled labour but while assessing his daily wages his income has been assessed for 26 days which ought to have been considered as 30 days in the light of the judgment passed by the Hon'ble Apex Court in the case of **Nandu Devi & Anr. Vs. Sohan Lal & Ors.**, while deciding **S.B. Civil Misc. Appeal No.769/2017** on 23.02.2022. Counsel further submits that the claimant remained hospitalised for 15 days but the Tribunal has granted a sum of Rs. 500/- only for this period of hospitalisation. Counsel submits that as per the guidelines issued by the Rajasthan State Legal Services Authority (for short "RALSA") the claimant is entitled to get a sum of Rs. 500/- per day for medical attendant. Hence, under these circumstances, the impugned award needs to be enhanced accordingly.

6. Counsel submits that under the head of pain and suffering a petty amount of Rs. 40,000/- has been awarded. Hence, under

these circumstances the impugned award needs suitable enhancement.

7. *Per contra*, learned counsel appearing on behalf of the respondents opposes the arguments raised by counsel for the claimant and submits that the injured claimant has not sustained permanent disability of the whole body, rather he has sustained injury for a particular part of the body, i.e., left lower limb. Under these circumstances, the Tribunal has not committed an error by considering the permanent disability of the claimant as 20%. Counsel further submits that as per the relevant time the circular issued by the RALSA indicates that the claimant is entitled to get a sum of Rs. 600/- only for hospitalization. There was no provision of grant of Rs. 500/- per day for medical attendant and under these circumstances, the impugned award passed by the Tribunal is justified which needs no interference of this Court and the appeal is liable to be rejected.

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

9. Perusal of the record indicates that the claimant has met with an accident on 14.01.2014 and he has obtained certain injuries on some parts of his body. The disability certificate issued by the three doctors of the Medical Board indicates that the claimant has suffered 31.6% permanent disability. The Tribunal has considered the same as 20% without any basis and without recording any justified reason. In the considered opinion of this Court, the claimant has suffered this injury on his left lower limb

and the injuries suffered on such parts of the body should have been treated as *in toto*, i.e., 31.6%.

10. This Court finds substance in the arguments raised by counsel for the claimant that at the time of calculating the daily wages of the claimant, the daily wages should have been considered for a period of 30 days instead of 26 days in the light of the judgment passed by the Hon'ble Apex Court in the Case of **Nandu Devi** (supra).

11. This Court finds substance in the arguments of counsel for the appellant-claimant that as per the circular issued by the RALSA at the relevant time in the year 2018, for hospitalisation the injured is entitled to get medical expenses of Rs. 600/- per day and attendant charge at the rate of Rs. 300/- per day and not Rs. 500/- per day.

12. Since, under the head of pain and suffering, sufficient amount of compensation of Rs. 40,000/- has been awarded. This Court does not find any ground to enhance the amount of compensation under this head. Hence, under these circumstances the impugned judgment and award is enhanced as under:-

Monthly income (along with 40% future prospects)	Rs.189 X 30 =Rs. 5,670/- Rs.5670/- + 2268/- = Rs. 7,938/-
Annual Income	Rs.7938 X 12 = Rs.95,256/-
Multiplier to be applied	17 Rs. 9,5,256 X 17 = Rs. 1,619,352/-
Permanent Disability	Rs.1,619,352 X 31.6% = Rs.511,715.232p

Grievous Injury	Rs.5,000/-
Hospitalization charges (15 days)	Rs.900/- X 15 =Rs.13,500/-
Pain & Suffering	Rs.40,000/-
Medical Bills	Rs.1,86,391/-
Loss of income during treatment (6 months)	Rs.5670/- X 6 =Rs.34,020/-
Total compensation awardable	Rs.7,90,626.232p
Less amount awarded by the tribunal	Rs. 4,68,866/-
Enhanced compensation amount	Rs. 3,21,760.232p

13. With the aforesaid observations and directions, the instant civil misc. appeal stands disposed of and the impugned award passed by the Tribunal stands modified to the extent that the claimant is entitled to get a sum of Rs.3,21,760.232p by way of enhanced compensation and the remaining terms and conditions of the impugned award shall remain intact.

14. It is further ordered that out of the enhanced compensation amount, a sum of Rs.50,000/- be deposited in the Savings Bank Account of one of the claimants 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.

15. 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.

16. Pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J