

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1916/2019

Ravi Shankar S/o Radhey Shyam, Aged About 29 Years, R/o Kalwari, Tehsil Todabheem, District Karauli District Karauli At Present Residing At Tehsil Road, Mahwa District Dausa

----Appellant

Versus

1. Ramkesh Meena S/o Ramvilas, R/o Amalipura, P.s. Nadauti District Karauli, (Driver Of Bolero Ambulance No. Rj-14-Pb-4647)
2. Bablu Yogi S/o Jinshi Ram, R/o House No. 555 Jda Paladi Meena, Agra Road, Jaipur And Plot No. 07 Mission Compound, Ajmer Road, Jaipur (Owner Of Bolero Ambulance No. Rj-14-Pb-4647)
3. National Insurance Company Ltd., Branch Office At Dausa Through Branch Manager Having Its Regional Office At Lic Building, Ambedkar Circle, Bhawani Singh Road, Jaipur (Insurer Of Bolero Ambulance No. Rj-14-Pb-4647)

----Respondents

For Appellant(s)	:	Mr.Jai Prakash Gupta with Mr.Udai Jeet Singh Rathore
For Respondent(s)	:	Mr.Mukesh Kumar Goyal with Ms.Ritu Jindal Ms.Anita Agarwal Ms.Anjali Sharma

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 and award dated 24.12.2018 passed by the Motor Accident Claims Tribunal, Dausa, District Dausa (for short, "the Tribunal") in Case No.15/2016, 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 a compensation amount of Rs.12,93,340/- to the claimant along-with 9% interest p.a. from the date of filing of claim petition.

2. Learned counsel for the claimant submits that the claimant is an Agriculturist, who met with an accident on 21.10.2015 and the same was caused by the driver of a Bolero Ambulance bearing No.RJ14-PB-4647 by driving the said vehicle in a rash and negligent manner. Counsel submits that the claimant has suffered several injuries on various parts of his body, hence, under these circumstances, he approached the Tribunal seeking suitable amount of compensation. Counsel further submits that the work of an Agriculturist comes under the purview of unskilled labour and at the relevant time, when the accident occurred, the daily wages of unskilled labour was Rs.197/- per day, i.e., Rs.5,910/- per month, but without any basis, his income has been determined as Rs.3,000/- per month only. Counsel further submits that not a single penny has been awarded by the Tribunal under the head of future prospects in terms of the judgment 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**. Counsel submits that under these circumstances, the impugned awards needs suitable enhancement.

3. *Per contra*, learned counsel appearing on behalf of the respondent-Insurance Company opposed the arguments raised by counsel for the claimant and submitted that considering all facts and circumstances and evidence available on record, a just

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

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

5. Perusal of the record indicates that the injured-claimant has sustained several injuries in an accident that occurred on 21.10.2015 and at the relevant time, his age was 28 years. It has been pleaded in the claim petition, and the same has not been rebutted by the respondents that the claimant is an Agriculturist and as per definition under the notification issued by the Department of Labour, the work of Agriculturist falls under the purview of unskilled labour and looking to the fact that the accident has occurred in the year 2015 and the daily wages of the unskilled labour was Rs.197/- per day. Meaning thereby that the monthly income of an unskilled labour for 30 days was Rs.5,910/-, hence, under these circumstances, the income of the claimant should have been considered as Rs.5,910/-, but the Tribunal has assessed the income of the claimant as Rs.3,000/- without any justified reason. This fact is not in dispute that under the head of future prospects, not a single penny has been awarded to the claimant, however, looking to his age, i.e., 28 years in terms of the judgment passed by the Hon'ble Apex Court in the case of **Pranay Sethi** (supra), he is entitled for the additional amount of compensation towards head of future prospects at the rate of 40%.

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

Monthly income (along-with 40% addition towards future prospectus)	Rs.197 X 30 = Rs.5,910/- Rs.5,910/- + Rs.2,364/- = Rs.8,274/-
Annual income	Rs. 8,274 X 12 = Rs.99,288/- p.a.
Multiplier to be applied	17 Rs.99,288 /- X 17 = Rs.16,87,896/-
Loss of Income (Owing to 52.67% disability)	Rs.8,89,014.82p
Pain and suffering	Rs.20,000/-
Hospitalisation Charges	Rs.9,000/-
Medical Bills	Rs.9,42,000/-
Total compensation awardable	Rs.18,60,014.82p
Less amount awarded by the Tribunal	Rs.12,93,340/-
Enhanced amount of compensation	Rs.5,66,674.82p

7. Accordingly, the instant appeal stands partly allowed. The award passed by the Tribunal stands modified to the extent that the claimant would now be entitled to get a further sum of Rs.5,66,674.82p by way of enhanced compensation and the remaining terms and conditions of the award shall remain intact.

8. 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.

9. 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.

10. Pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J