

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 930/2014

1. Ajay Pal Dhonsi S/o Sh. Govind Narayan @ Govind Ram,
Age 57 years,
2. Rani D/o Sh. Ajaypal, age 24 years,
3. Ram Prasad S/o Sh. Ajaypal, age 23 years,
All R/o Ward No. 15, Opposite Muneer Khan Ki Maszid,
Mohalla Razban, Tonk, District – Tonk

----Claimants/Appellants

Versus

1. Man Singh s/o Suwa Lal, R/o Sarsiya, Tehsasil – Jahajpur,
District – Bhilwara (Raj)
(Driver of Vehicle No. RJ-06-G-3787)
2. M.R.L. Transport Private Limited Company, 128-129,
Transport Nagar, District – Bhilwara (Raj)
(Owner of Vehicle No. RJ-06-G-3787)
3. The Oriental Insurance Company Limited, Divisional Office,
Shop No. 5678, A Block, Second Flore, K-Plaza, Pur Road,
District – Bhilwara (Raj)
(Insurance Company of vehicle No. RJ-06-G-3787)

----Non-Claimants/Respondents

For Appellant(s) : Mr. Sagar Jindal for
Mr. Akhilesh Pareek

For Respondent(s) : Mr. Alok Kumar Bakliwal

HON'BLE MR. JUSTICE SANDEEP TANEJA
Judgment

21/04/2026

1. This appeal has been filed under section 173 of Motor Vehicle Act, 1988 against the judgment and award dated 18.10.2013 passed by the learned Motor Accident Claims Tribunal, Tonk (for short 'Tribunal') in MAC Case No. 496/2011, whereby the claim petition filed by the claimants-appellants (for short 'claimants') was partly allowed.
2. The brief facts of the case are that on 07.10.2011 Smt. Panchi Devi, alongwith her relatives, was travelling to Jahajpur in a Jeep bearing registration No. RJ01-TA-0438. At around 6:45 PM, when they reached near Borani on Deoli-Jahajpur road, a truck bearing registration No. RJ06-G-3787, being driven by respondent No. 1 in a rash and negligent manner, came from wrong side and hit the Jeep, as a result of which, Smt. Panchi Devi died on the spot.

3. The learned Tribunal, vide impugned judgment and award, partly allowed the claim petition and awarded a compensation of Rs.3,29,956/-, in favour of the claimants, along with interest @ 7% per annum from the date of filing of the claim petition.

4. Being dissatisfied with the said judgment and award, the claimants have preferred the present appeal seeking enhancement of the compensation so awarded.

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

- (i) At the time of accident, the deceased was 55 years of age, therefore, while calculating the compensation under the head of loss of dependency, addition should be made in the income of the deceased, towards future prospects.
- (ii) The learned Tribunal has awarded a lump-sum amount of Rs.15,000/- for the loss of love and affection, however, each of the claimants is entitled to Rs.40,000/-.
- (iii) Under the head of funeral expenses, the learned Tribunal has awarded only Rs. 5,000/-, which is required to be enhanced to Rs. 15,000/-.
- (iv) Compensation is also required to be awarded towards the loss of estate.

6. *Per contra*, learned counsel for the respondents has opposed the submissions made hereinabove and has supported the impugned judgment and award passed by the learned Tribunal.

7. Heard learned counsel for the parties and perused the material available on record.

8. From a bare perusal of the record and the impugned judgment and award, it is revealed that the learned Tribunal while calculating the compensation towards loss of dependency has noted that at the time of

accident, the age of deceased was 55 years and accordingly held that there was no possibility of any increment in the income of deceased in future.

8.1 The Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi**, reported in **(2017) 16 SCC 680** has held that if the age of the deceased / injured is between 51 to 60 years, then addition @ 10% shall be made in the income of the deceased / injured towards future prospects.

8.2 Therefore, in light of the said judgment and after considering the fact that at the time of accident, the age of the deceased was 55 years, this Court deems it proper to make addition in the income of the deceased @ 10% towards future prospects.

8.3 While calculating the compensation towards loss of dependency, the learned Tribunal has determined the monthly income of the deceased at Rs.3,500/-. After deducting 1/3rd of the income of the deceased for her personal expenses and by applying the multiplier of 11, the learned Tribunal has determined the loss of dependency at Rs.3,07,956/-. In view of the above, addition @ 10% will be made towards future prospects, therefore, the total loss of dependency would be Rs.3,38,751/- (Rs.3,07,956/- + Rs.30,795/-).

8.4 Accordingly, the compensation towards loss of dependency is enhanced by **Rs.30,795/-** (Rs.3,38,751/- – Rs.3,07,956/-).

9. With regard to second contention raised by the claimants, in view of the principles laid down by the Hon'ble Supreme Court in **Pranay Sethi** (supra) and **Magma General Insurance Company Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors.**, reported in **(2018) 18 SCC 130**, each of the claimants is entitled to get Rs.40,000/-. Accordingly, the total compensation towards loss of consortium would be Rs.1,20,000/-. Since, the learned Tribunal has already awarded a sum of Rs. 15,000/-,

therefore, the compensation under this head is enhanced by **Rs.1,05,000/-** (Rs.1,20,000/- – Rs.15,000/-).

10. Insofar as rest of the contentions are concerned, in view of the principles laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (supra), the compensation towards funeral expenses is enhanced by **Rs.10,000/-** (Rs.15,000/- – Rs.5,000/-) and compensation of **Rs.15,000/-** is awarded towards loss of estate.

11. As a result of above discussions, the compensation payable to the claimants is enhanced as under:-

S.No.	Particular	Enhanced Amount
1.	Loss of Dependency	Rs.30,795/-
2.	Loss of consortium	Rs.1,05,000/-
3.	Funeral Expenses	Rs.10,000/-
4.	Loss of Estate	Rs.15,000/-
	Total enhanced Amount	Rs.1,60,795/-

12. Accordingly, the compensation awarded by the learned Tribunal is enhanced by **Rs.1,60,795/-**. The Insurance Company is directed to deposit the enhanced amount within a period of two months from today. The rest of the impugned award shall remain intact.

13. It is directed that the enhanced amount shall carry the rate of interest in terms of the award passed 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.

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

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

16. Registry is directed to send back the record of the case to the concerned Tribunal forthwith.

(SANDEEP TANEJA),J