

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3141/2025

1. Bajrang Singh S/o Shri Bhopal Singh (Father Of The Deceased), Aged About 54 Years, R/o Village Shankarpura, Chouru, Tehsil Phagi, District Jaipur, Raj.
2. Vishnu Kanwar W/o Bajrang Singh (Mother Of The Deceased), Aged About 51 Years, R/o Village Shankarpura, Chouru, Tehsil Phagi, District Jaipur, Raj.

----Appellants

Versus

1. Iqramuddin S/o Wahid Khan, Aged About 51 Years, R/o Chameli Bag, Alwar, Raj. (Vehicle Driver Vehicle Car No. RJ 01 UA 0065)
2. Raghuveer Singh S/o Shri Sawant Singh, R/o House No. D-50, Vinayak Vihar, Rawan Gate, Kalwar Road, Jaipur Raj. (Registered Owner Vehicle Car No. RJ 01 UA 0065)
3. United India Insurance Company Ltd., Through Branch Manager, Claim Hub, Sphere Building, In Front Of 4 Number Dispensary, Ajmer Road, Sodala, Jaipur. Validity Date- 02.03.2019 To 01.03.2020 (Insurance Company Vehicle Car No. RJ 01 UA 0065)

----Respondents

For Appellant(s) : Mr. Akshat Chaudhary
For Respondent(s) : Mr. V.P. Mathur

HON'BLE MR. JUSTICE SANDEEP TANEJA
Judgment

17/03/2026

1. This appeal has been filed by the appellants-claimants under Section 173 of Motor Vehicles Act, 1988 seeking enhancement of the compensation awarded by the learned Motor Accident Claim Tribunal, Phagi, District-Jaipur, vide award dated 30.04.2025, in MAC Case No. 190/2021 (127A/2020) whereby the claim petition filed by claimants was partly allowed and a compensation of Rs.14,01,916/- was awarded in favour of the claimants.
2. The brief facts of the case, as pleaded in the claim petition, are that on 02.01.2020, Vijendra Singh alongwith Bhanwar Singh reached office at Ramchandrapura, Ajmer Road by bus and when

Vijendra Singh was standing to cross the road, a car bearing registration No. RJ01-UA-0065 being driven by respondent No. 1 (driver of the car) in rash and negligent manner came and hit him, as a result of which, Vijendra Singh fell down and sustained grievous injuries. Bhanwar Singh took him to the SMS Hospital where he died on 03.02.2020 during his treatment.

2.1 Thereafter, a claim petition was filed by the claimants (the parents of deceased) claiming compensation of Rs.86,60,000/- on account of the death of Vijendra Singh.

2.2 On the basis of pleadings of the parties, learned Tribunal framed four issues and after evaluating the evidence on record, the claim petition was partly allowed. Being aggrieved of the same, this appeal has been preferred by the appellants.

3. Learned counsel for the appellants has submitted that deceased Vijendra Singh was working as a Driver in Rivigo Service Pvt. Ltd. Company (for short 'Company') and was earning Rs.11,266/- per month. It is submitted that the learned Tribunal erred in discrediting the evidence, led by the claimants, and further by considering the monthly income of deceased as Rs.8970/- as per the minimum wages notified by the State Government for highly skilled labour. On the basis of the aforesaid sole argument, the learned counsel has sought enhancement of the compensation awarded by learned Tribunal.

4. On the other hand, learned counsel for the respondents has opposed the submissions made by learned counsel for the appellants and supported the impugned award dated 30.04.2025.

5. Heard and perused the material available on record. The sole issue, before this Court, is as to whether the learned Tribunal

erred in calculating the monthly income of the deceased on the basis of minimum wages prevalent at the relevant point of time.

6. The Hon'ble Supreme Court in the case of **Govind Yadav Vs. The New India Insurance Company Limited**, reported in **(2011) 10 SCC 683**, has held that in absence of any evidence, the loss of earning should be determined on the basis of minimum wages prevalent at the relevant point of time. For ready reference, the relevant paragraphs of the judgment are reproduced below:

20. A brief recapitulation of the facts shows that in the petition filed by him for award of compensation, the Appellant had pleaded that at the time of accident he was working as Helper and was getting salary of Rs. 4,000/- per month. The Tribunal discarded his claim on the premise that no evidence was produced by him to prove the factum of employment and payment of salary by the employer. The Tribunal then proceeded to determine the amount of compensation in lieu of loss of earning by assuming the Appellant's income to be Rs. 15,000/- per annum. On his part, the learned Single Judge of the High Court assumed that while working as a Cleaner, the Appellant may have been earning Rs. 2,000/- per month and accordingly assessed the compensation under the first head.

21. Unfortunately, both the Tribunal and the High Court overlooked that at the relevant time minimum wages payable to a worker were Rs. 3,000/- per month. Therefore, in the absence of other cogent evidence, the Tribunal and the High Court should have determined the amount of compensation in lieu of loss of earning by taking the Appellant's notional annual income as Rs. 36,000/- and the loss of earning on account of 70% permanent disability as Rs. 25,200/- per annum.

6.1 From a bare perusal of the record, it is revealed that in order to prove monthly income of the deceased, only bank passbook was produced by the claimants before the learned Tribunal. However, neither any appointment order nor any pay slip / salary

certificate of the deceased was produced by the claimants to prove his income.

6.2 Moreover, passbook of the deceased (Exhibit-15) disclosed that the deceased received different amount on different dates and as such it is not proved that the deceased was receiving monthly salary of Rs.11,266/- from the aforesaid Company.

6.3 Furthermore, AW-2 Bhanwar Singh, said to be a co-worker of the deceased, also failed to prove that he himself was working as a driver in the aforesaid company. No document, whatsoever, was produced by him to show that both of them were working as drivers in the aforesaid company. Thus, the claimants failed to prove that the deceased was in the employment of the Company and was receiving monthly salary therefrom.

6.4 As a result of the above discussion, this Court is of the opinion that the learned Tribunal, in the absence of any cogent evidence to prove the monthly income of the deceased, rightly calculated the monthly income of deceased as Rs.8970/-, as per the minimum wages notified by the State Government. The impugned award, therefore, does not suffer with any illegality or perversity or manifest error.

7. Accordingly, the appeal, being devoid of merit, is dismissed.

8. All pending applications, if any, stand disposed of.

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

(SANDEEP TANEJA),J