HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1621/2013

1. Santosh W/o Raghuveer Singh, aged 46 years
2. Kartar Singh S/o Raghuveer Singh, aged 24 years, Both R/o Village Naharpura, Police Station Mangaliyawas, Ajmer Raj.

----Appellants

Versus

1. Amit Kumar S/o Ramesh Chandra Arora, R/o Plot No.3, Shakti Nagar, Subhash Nagar, Ajmer (Driver).
2. Ramesh Chand Arora S/o Sitaram Arora, R/o Plot No.3, Shakti Nagar, Subhash Nagar, Ajmer (Owner).
3. ICICI Lombard General Insurance Company Limited, Having Its Regional Office At P.L. Motors, Government Hostel Chouraha, M.I. Road, Jaipur Through Its Regional Manager Insurance Company

----Respondents

For Appellant(s)	:	Mr. Vinay Mathur with Mr. Ashish Mittal
For Respondent(s)	:	Mr. Kapil Gupta

JUSTICE ANOOP KUMAR DHAND

Order

25/02/2026

1. A challenge has been led to the impugned judgment dated 07.11.2012 passed by the Motor Accident Claims Tribunal, Ajmer (hereinafter referred to as 'the Tribunal') in MAC Case No.326/11, by which the claim petition submitted by the claimants-appellants (hereinafter referred to as 'the claimants') has been partly allowed and the respondents have been directed to pay compensation of Rs.35,80,300/- to the claimants.

2. Feeling aggrieved and dissatisfied by the same, the claimants have approached this Court by way of filing the instant appeal.

3. Learned counsel for the claimants submits that the husband of the claimant No.1 and father of the claimant No.2 met with an accident on 20.04.2011 and the accident was caused by the driver of the vehicle i.e. car bearing registration No.RJ01-CA-2517 while driving the same in a rash and negligent manner, wherein the deceased sustained several injuries and died on 12.05.2011. Counsel submits that the deceased Raghuveer Singh was employeed in the office of Food Corporation of India (for short 'FCI'). Counsel submits that for proving his income, two different documents were placed on record. Counsel further submits that as per the last pay slip of the deceased i.e., Exhibit 17, his monthly salary has been indicated as Rs.26,646/-, while as per the Form-16A issued by the Manager (Accounts), Office of the Food Corporation of India, the annual salary of the deceased was Rs.9,00,488/-. Counsel submits that this document was exhibited on the record as Exhibit-16 and a detailed evidence was led in this regard, but in-spite of above, this document i.e. Form-16A has been discarded by the Tribunal while determining the income of the deceased and loss of income of the claimants. Counsel submits that cross-examination with regard to genuineness of this document was done by the respondents, hence, under these circumstances, the Tribunal was duty bound to assess the annual income of the deceased as Rs.9,00,488/-

and accordingly, the compensation should have been awarded to the claimants, hence, interference of this Court is warranted.

4. *Per contra,* learned counsel appearing on behalf of the respondents opposes the arguments raised by counsel for the claimants and submits that the date of accident is 20.04.2011, while the said Form-16A has been issued on 25.04.2011. Counsel submits that as per the evidence of the claimant No.1, the monthly salary of the deceased was Rs.26,646/-, hence, under these circumstances, the Tribunal has not committed any error in determining the monthly salary of the deceased as Rs.26,646/-. Counsel submits that by no stretch of imagination, the annual salary mentioned in the Form-16A can be relied upon, as in support of such contentions, no evidence was led, hence, under these circumstances, the Tribunal has not committed any error in determining and assessing the annual income of the deceased on the basis of his last salary certificate i.e. Exhibit 17 and accordingly, the compensation has been rightly determined by passing the impugned judgment, which does not require any interference of this Court and the instant civil misc. appeal is liable to be rejected.

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

6. Basically, the instant appeal has been filed by the claimants for enhancement of the amount of compensation solely on the basis of the document Exhbit-16 i.e. Form-16A, wherein the annual income of the deceased has been mentioned as Rs.9,00,488/-, while in the statements which were recorded

before the Tribunal, the claimant No.1 has stated that as per the last salary certificate, i.e., Exhibit 17, the monthly income of the deceased was Rs.26,646/-.

7. This fact is not in dispute that both these documents i.e. last salary certificate (Exhibit 17) as well as the Form 16A (Exhibit 16) have been issued by the Manager (Accounts) Office of the Food Corporation of India, District Officer at Ajmer. The genuineness of the aforesaid documents has been challenged by the counsel appearing on behalf of the respondents for the first time before this Court. No such cross-examination was done with the claimant No.1 when her statements were recorded in the witness-box before the Tribunal.

8. This Court cannot adjudicate this disputed question of fact as to whether the monthly salary of the deceased before the accident was Rs.26,646/- or not; or the annual salary before the accident of the deceased was Rs.9,00,488/- or not ?

9. Certainly, this disputed question of fact can be decided by the Tribunal after recording the evidence of the Manager (Accounts), Food Corporation of India, District Officer at Ajmer.

10. In the fitness of the facts and circumstances of the case and in the interest of both parties, this Court deems it just and proper to remit this matter to the Tribunal for the limited purpose of determining the income of the deceased after recording the evidence of the Manager (Accounts), Food Corporation of India, District Officer at Ajmer.

11. The parties are directed to appear before the Tribunal on 06.04.2026. The Tribunal is directed to summon and record the

evidence of the Manager (Accounts), Food Corporation of India, District Officer at Ajmer by fixing a short fix date and after recording his evidence, pass fresh order with regard to loss of income suffered by the claimants.

12. Needless to observe that all possible endeavours shall be made by the Tribunal to decide the matter to the aforesaid limited extent expeditiously, as early as possible, looking to the fact that the accident pertains to the year 2011.

13. With the aforesaid observations and directions, the instant civil misc. appeal stands disposed of. Pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/21