

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3994/2018

Pappulal @ Pappuram S/o Shri Lalaram, R/o Yadavon Ki Dhani
Hanumanpura Tehsil Bassi P.S. Shivdaspura District Jaipur

----Appellant/Claimant

Versus

1. Shankar Lal Meena S/o Shri Ramlal, R/o Peeplyabai P.S. Shivdaspura Tehsil Bassi District Jaipur (Driver And Owner of Vehicle No. RJ-14-CY-6989)
2. National Insurance Company limited, through manager Regional Office near Ambedkar Circle LIC building bhawani Singh Road Jaipur (Insurance Company of Car no. RJ-14-CY-6989)

----Respondents/Non-Claimants

For Appellant(s)	:	Mr. Brahma Prakash
For Respondent(s)	:	Mr. Rajeev Bhushan Bansal with Ms. Ritu Bansal

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

18/03/2026

1. The present appeal has been filed by the appellant-claimant (for short "the claimant") against the judgment and award dated 18.05.2018, by learned Special Judge, Printing and Stationery Embezzlement Cases and Motor Accident Claims Tribunal, Jaipur, District Jaipur in Claim Case No.661/2017, whereby the claim petition filed by the claimant was partly allowed and a sum of Rs.2,13,264/- was awarded in favour of claimant, along with interest @ 7.5% per annum from the date of filing of the claim petition.
2. The brief facts of the case, as pleaded in the claim petition, are that on 03.10.2015, the claimant along with his brother was coming on motorcycle, bearing registration No. RJ-14-NB-3335,

from Kanota to his residence at Hanumanpura. At about 12:30 PM, an Alto car bearing registration No. RJ-14-CY-6989 being driven by respondent No.1 (Driver and Owner of the Car), in a rash and negligent manner at a high speed, came from the wrong side and dashed with the claimant's motorcycle. As a result of which, the claimant sustained grievous injuries, including fractures in his hand and of hip bone.

The claimant filed the claim petition before the learned Tribunal, which was partly allowed vide impugned judgment and award dated 18.05.2018.

3. Being aggrieved by and dissatisfied with the impugned judgment and award dated 18.05.2018, the instant appeal has been filed for enhancement of compensation.

4. Learned counsel for the claimant has made following contentions:-

(i) That the claimant was working as a Driver which has been proved before the learned Tribunal and accordingly the salary of the claimant ought to have been assessed on the basis of minimum wages fixed for a skilled worker, however, the learned Tribunal has erroneously assessed the monthly income of the claimant as Rs.3,000/-.

(ii) That the learned Tribunal has also erred in not awarding any compensation amount towards future medical treatment of the claimant and has awarded a meagre amount under the head of pain and suffering.

5. Learned counsel for the respondent-Insurance Company has opposed the submissions made by learned counsel for the

claimant and has submitted that the award is just and reasonable and requires no interference by this Court.

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

7. From a bare perusal of the impugned judgment and award, it is revealed that the occupation of the claimant, as a Driver has been found to be proved by the learned Tribunal. However, without giving any justifiable reason, the learned Tribunal has assessed the monthly income of the claimant as Rs.3,000/-.

8. In the considered opinion of this Court, in absence of any cogent evidence with regard to the income of the claimant, the learned Tribunal ought to have assessed the income on the basis of minimum wages notified by the State Government for a skilled worker. Undisputedly, the minimum wages for a skilled worker at the time of incident were Rs. 217/- per day. Accordingly, the loss of income is determined as under:-

Minimum Wages for a skilled worker (per day)	Rs.217/-
Monthly Income	Rs.217 X 30=/- Rs.6,510/-
Annual Income	Rs. 6,510 X 12 = Rs.78,120/-
According to the age of the claimant i.e. 38 years, multiplier 15 to be applied	Rs. 78,120 X 15 =Rs.11,71,800/-
Add 40% towards future prospects (+)	Rs. 11,71,800/- X 40% =Rs.4,68,720/-
Total amount after adding future Prospects	(Rs.11,71,800/- + Rs.4,68,720) =Rs.16,40 520/-
Loss of Income due to Permanent Disability @ 26.16%	Rs.16,40 520/- X 26.16% = Rs.4,29,160/-
Less amount awarded by the Tribunal (under the head of Loss of Income)	Rs.1,41,264/-

Enhanced Amount of Compensation for loss of income	Rs. 4,29,160/- – Rs.1,41,264 /- =Rs.2,87,896/-
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9. As regard the second contention is concerned, the learned Tribunal has erred, in not awarding any amount for future medical treatment, and in awarding a meagre and inadequate amount under the head of pain and suffering. This Court finds that the claimant has sustained grievous injuries, including fractures of the hand and hip bone and has suffered permanent disability to the extent of 26.16% as per the disability certificate issued by the Medical Board.

10. This Court deems it appropriate to grant a lump sum amount of Rs.1,50,000/- to the claimant under the head of pain and suffering and also future medical treatment. Therefore, the enhanced total compensation amount awarded to the claimant is Rs.4,37,896/- (Rs.2,87,896/- + Rs.1,50,000/-). The respondent-Insurance Company is directed to deposit the enhanced amount within a period of two months from today. The remaining terms and conditions of the impugned award shall remain intact.

11. 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 till the recovery. The amount shall be disbursed in terms of the award passed by the learned Tribunal.

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

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

14. Registry is directed to send back the record to the concerned Tribunal forthwith.

(SANDEEP TANEJA),J