

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No.4496/2025

IFFCO Tokio General Insurance Company Limited, Branch Office IFFCO Sadan, C-1, District Center, Saket, New Delhi, Insurance Company Tractor No. Rj17-Ra-1047 Insured From Dated 25-10-2021 To 24-10-2022 And Having Its Current Regional Office At Second Floor, Government Hostel Crossing, Bhagwati Bhawan, M.i. Road, Jaipur - Through Its Constituent Attorney.

----Appellant

Versus

1. Mokham Singh S/o Shri Prem Singh, R/o Village Mada Ka Baadiya, Kotda Kabra, Beawar.
2. Shrimati Meera Devi W/o Shri Mokham Singh, R/o Village Mada Ka Baadiya, Kotda Kabra, Beawar.
3. Master Lokesh Singh S/o Shri Mokham Singh, Minor Through Guardian Father R/o Village Mada Ka Baadiya, Kotda Kabra, Beawar.
4. Master Keshar Singh S/o Shri Mokham Singh, Minor Through Guardian Father R/o Village Mada Ka Baadiya, Kotda Kabra, Beawar.
5. Jai Singh S/o Shri Gopal Singh, R/o Village Ateetmand Post Rajiyawas, Beawar. (Driver Tractor No. Rj17-Ra-1047)
6. Laxman Singh S/o Shri Mohan Singh, R/o Raja Paancha Ka Baadiya, Pipli Ka Baadiya, Lagetkheda, Rajsamand. (Owner Of Tractor No. Rj17-Ra-1047)

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No.4152/2025

1. Mokham Singh S/o Shri Prem Singh, R/o Village Mada Ka Badiya, Kotda Kabra, Beawar.
2. Smt. Meera Devi W/o Shri Mokham Singh, R/o Village Mada Ka Badiya, Kotda Kabra, Beawar.
3. Master Lokesh Singh S/o Shri Mokhan Singh, Being Minor Is Represented Through Their Guardian Claimant No. 1. R/o Village Mada Ka Badiya, Kotda Kabra, Beawar.
4. Master Kesar Singh S/o Shri Mokhan Singh, Being Minor

Is Represented Through Their Guardian Claimant No. 1.
R/o Village Mada Ka Badiya, Kotda Kabra, Beawar.

----Appellants

Versus

1. Jay Singh Son Of Shri Gopal Singh, R/o Village Atitmant Post Rajiyawas, Beawar. (Driver Of The Tractor No. Rj-17-Ra-1047).
2. Laxman Singh S/o Shri Mohan Singh, R/o Raj Pancha Ka Badiya, Peepli Ka Badiya, Legetkheda, Rajsamand, (Owner Of The Tractor No. Rj-17-Ra-1047).
3. IFFCO Tokiyo General Insurance Company Limited, Branch Office At Iffco Sadan, C-1 District Centre, Saket, New Delhi.(Insurer Of The Tractor No. Rj-17-Ra-1047. Insured From 25-10-2021 To 24-10-2022).

----Respondents

For Appellant(s)	:	Mr. Yashdeep Singh Mr. Rajdeep Rathore Mr. Sachin Sharma
For Respondent(s)	:	Mr. J.P. Gupta with Mr. Udaijeet Singh Rathore

JUSTICE ANOOP KUMAR DHAND

Order

25/02/2026

1. Both the instant appeals have been preferred against the impugned judgment dated 26.06.2025 passed by the Motor Accident Claims Tribunal-cum-Additional District & Sessions Judge, No.03, Beawar District Ajmer (for short 'the Tribunal') in MAC Case No.21/2023 by which the claim petition submitted by the claimants (for short 'the claimants') has been partly allowed and the Insurance Company has been directed to pay a compensation of Rs.15,87,272/- to the claimants.

2. Feeling aggrieved and dissatisfied by the said judgment, both Insurance Company as well as the claimants have approached this Court by way of filing cross appeals.

3. Learned counsel appearing on behalf of the insurance company submits that the road accident occurred on 20.02.2022, wherein the deceased-Surendra Singh had died and he was unmarried at the relevant time. The family members of the deceased approached the Tribunal by way of filing claim petition seeking amount of compensation.

4. Learned counsel further submits that the deceased was unmarried, therefore, the deduction of his income should have been 1/2 in terms of the judgment passed by the Hon'ble Apex Court in the case of **Sarla Verma Vs. Delhi Transport Corporation** reported in **(2009) 6 SCC 121**. Learned counsel submits that, under these circumstances, the impugned award needs to be modified.

5. *Per contra*, learned counsel appearing on behalf of the claimants submits that while assessing the income of the deceased, the wages have been counted for 26 days instead of 30 days in a month. Learned counsel submits that the wages should have been granted for 30 days in terms of the judgment passed by this Court in the case of **Nandu Devi & Another Vs. Sohanlal and Others** while deciding **S.B. Civil Misc. Appeal No.769/2017** vide order dated 23.02.2022. He further submits that under the head of loss of consortium, a lumpsum amount of Rs.40,000/- alone has been granted in favour of the claimants while as per 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**, each of the claimant is entitled to get a sum of Rs.40,000/- separately and in addition to above, they are also entitled to get 10% additional enhancement under the head of loss of consortium as the accident has occurred after the year 2020, i.e., 20.02.2022, hence, under these circumstances, the impugned award needs to be suitably enhanced.

6. Learned counsel appearing on behalf of the claimants is fair enough to state before the Bar that in terms of the judgment passed by the Hon'ble Apex Court in the case of **Sarla Verma** (supra), the deduction should have been 1/2, i.e., 50% as the deceased was bachelor at the time of the accident.

7. Even under the head of loss of estate and funeral expenses, a lumpsum amount of Rs.20,000/- only has been awarded, while as per the judgment passed by the Hon'ble Apex Court in the case of **Pranay Sethi** (supra), under both these heads, the claimants are entitled to get a lumpsum amount of Rs.30,000/-.

8. Considering overall facts and circumstances of the case, the impugned award is modified as under:-

Monthly Income (along with additional 40% future prospects)	$259 \times 30 + 259 \times 30 \times 40/100$ $7770+3108$ $= \text{Rs.}10,878/-$
½ Deduction towards personal and living expenses of the deceased	$10,878 \times \frac{1}{2}$ $= \text{Rs.}5,439/-$
Annual Income	5439×12 $= \text{Rs.}65,268/-$
Multiplier to be applied	18 $65,268 \times 18$

	= Rs.11,74,824/-
Loss of consortium, love & affection (along with additional 10%)	40,000 X 4 + 40,000 X 4 X 10/100 1,60,000 + 16,000 = Rs.1,76,000/-
Loss of Estate	Rs.15,000/-
Funeral Expenses	Rs.15,000/-
Total compensation awardable	Rs.13,80,824/-
Amount awarded by the Tribunal	Rs.15,87,272/-
Difference amount for reimbursement	Rs.2,06,448/-

9. With the aforesaid observations and directions, the instant civil misc. appeals stand disposed of and the impugned award passed by the Tribunal stands modified to the extent that the insurance company is entitled to get a sum of Rs.2,06,448/- by way of reimbursement from the claimants and the remaining terms and conditions of the impugned award shall remain intact.

10. The claimants are directed to refund the aforesaid difference amount to the insurance company along with interest forthwith.

11. Pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J