

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4520/2018

Manoj Mishra S/o Shri Lakshmeshwar Mishra, Aged About 43
Years, R/o Plot No.204 Sector 3, Madan Badi Vidhyadhar
Nagar Jaipur

----Appellant

Versus

1. The Oriental Insurance Company Ltd., Office D.o.-4
B.p. First Floor Neelam Batan Road Faridabad Through
Manager (Insurer)
2. Deepak Kumar S/o Shri Deep Bahadur, R/o Village
Koshi Kalan Police Station Koshi Kalan District
Mathura (Uttar Pradesh) Presently Residing At T.C.L.
Transport Company Plot No. 54 Sector No. 16-A
Faridabad Haryana (Driver)
3. M/s Trans Ve Cargo Lifters Pvt. Ltd., Registered Office
4148 Naya Bazar Delhi Through Managing Director
(Owner)

----Respondents

For Appellant(s) : Mr. Sandeep Singh Nirwan with
Ms. Shreya Khandal and
Mr. Gaurav Pareek

For Respondent(s) : Ms. Sangita Sai

JUSTICE ANOOP KUMAR DHAND

Order

24/02/2026

1. By way of filing the instant civil misc. appeal, a challenge
has been led to the impugned judgment and award dated
22.05.2018 passed by the Motor Accident Claims Tribunal
(Special Judge, Essential Commodities Act), Jaipur
(hereinafter referred to as 'the Tribunal') in MAC Case
No.163/2015, by which the claim petition submitted by the

appellant-claimant (hereinafter referred to as 'the claimant') has been partly allowed and the respondents have been directed to pay compensation of Rs.3,70,780/- to the claimant along with interest @6% per annum from the date of filing of the claim petition.

2. Learned counsel appearing on behalf of the claimant submits that the claimant has sustained injuries in a road accident which occurred on 15.11.2008 and was caused by the driver of the offending vehicle i.e. truck bearing No.HR-38-H-7515. Counsel submits that in the aforesaid accident, the claimant has suffered multiple injuries on several parts of his body and he was operated six times on different occasions. He has resultantly suffered 39.4% permanent disability, but without any basis, this disability has been reduced to 30% by the Tribunal for the purpose of granting compensation. Counsel submits that under the head of future prospects, not a single penny has been awarded to the claimant, while under the head of pain and suffering, an inadequate amount of Rs.50,000/- only has been awarded by the Tribunal. Hence, under these circumstances, the impugned award needs suitable enhancement.

3. *Per contra*, learned counsel for the respondent-Insurance Company opposed the arguments raised by counsel for the claimant and submitted that no proof has been submitted on the record to show that the claimant was operated six times. Counsel submits that considering the evidence and documents available on the record, sufficient and adequate amount of compensation has been awarded to the claimant by the

Tribunal under all the heads. Hence, under these circumstances, interference of this Court is not warranted and the instant appeal is liable to be rejected.

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

5. This fact is not in dispute that the claimant has met with an accident and suffered several injuries, for which a certificate has also been issued by the Doctors of the Medical Board, which certifies that the claimant has suffered 39.4% permanent disability. However, without any basis, the said disability has been reduced by the Tribunal to 30% and accordingly, a lesser amount for loss of income has been assessed for the purpose of grant of compensation.

6. This fact is also not in dispute that after the judgment passed by the Hon'ble Apex Court in the case of **National Insurance Company Limited v. Pranay Sethi** reported in **(2017) 16 SCC 860**, the claimant is entitled to get additional amount of compensation towards future prospects and in the instant case, at the time of accident, the age of the claimant was 41 years, hence, under these circumstances, he is entitled to get additional amount of compensation under the head of future prospects i.e. 25%, in terms of the judgment passed by the Hon'ble Apex Court in the case of **Pranay Sethi** (supra).

7. Looking to the fact that after the aforesaid accident, the claimant remained admitted and hospitalized for a period of 92 days and he has suffered physical as well as mental agony, hence, considering the above circumstances, the amount of

Rs.50,000/-awarded by the Tribunal under the head of pain and suffering is inadequate, which is required to be further enhanced to the tune of Rs.75,000/-, hence, the claimant is entitled to get the following amount of enhanced compensation:

Monthly Income (along with 25% future prospects)	Rs.4000/- + Rs.1000/- =Rs.5000/-
Annual Income	Rs.5000 X 12 =Rs.60,000/-
Multiplier to be applied	Rs.60,000 X 14 =Rs.8,40,000/-
Loss of Income (owing to 39.4% disability)	Rs.8,40,000 X 39.4% =Rs.3,30,960/-
Nutrition	Rs.20,000/-
Medical Attendant Cost	Rs.10,800/-
Hospitalization Charges (for 92 days)	Rs.46,000/-
Transportation Charges	Rs.10,000/-
Medical Bills	Rs.32,380/-
Pain & Suffering	Rs.75,000/-
Total Compensation Awardable	Rs.5,25,140/-
Less compensation awarded by the Tribunal	Rs.3,70,780/-
Enhanced Compensation	Rs.1,54,360/-

8. With the aforesaid observations and directions, the instant civil misc. appeal stands disposed of and the impugned award passed by the Tribunal stands modified to the extent that the claimant is entitled to get a sum of Rs.1,54,360/- by way of enhanced compensation and the remaining terms & conditions of the impugned award shall remain intact.

9. It is further ordered that the out of the enhanced compensation amount, a sum of Rs.50,000/- be deposited in

the Savings Bank Account of the claimant and remaining enhanced amount be deposited in a fixed deposit with any Nationalized Bank initially for a period of three years and the interest accrued on the said amount shall be paid to the claimant on monthly basis.

10. The respondents are directed to deposit the enhanced amount within a period of four weeks from today with interest @6% per annum from the date of filing of the claim petition.

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

(ANOOP KUMAR DHAND),J