

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5009/2025

- 1. Smt. Maharaji Wife Of Rambhu, Aged About 70 Years, Resident Of Durgasi Nangal, Durgasi, District Karauli, Rajasthan.
- 2. Rambhu Son Of Karan, Aged About 72 Years, Resident Of Durgasi Nangal, Durgasi, District Karauli, Rajasthan
- 3. Vijendra Singh Son Of Rambhu, Aged About 28 Years, Resident Of Durgasi Nangal, Durgasi, District Karauli, Rajasthan
- 4. Satveer Singh Son Of Shri Rambhu, Aged About 27 Years, Resident Of Durgasi Nangal, Durgasi, District Karauli, Rajasthan

----Appellants

Versus

- 1. Shiv Lal Son Of Shri Umaram, Resident Of Village Chawta Kala, Chawta Khurd, Tehsil Jayal, District Nagaur (Driver Trailor No. RJ-16-GA-9011)
- 2. Mahendra Kumar Agarwal Son Of Shri Laxmi Narayan, Resident Of 62-K, Sanjay Nagar, Ward No.20, Jalore (Registered Owner Trailor No.RJ-16-GA-9011)
- 3. United India Insurance Company Limited, Division Office At Savitri Girls School Chouraha, Shashtri Nagar, Ajmer Having Its Regional Office At Vishal Chambers, Tonk Road, Jaipur Through Its Regional Manager (Insurance Company-Trailor No. RJ-16-GA-9011)

----Respondents

For Appellant(s)	:	Mr. Vinay Mathur with Ms. Vinita Saini
For Respondent(s)	:	Mr. Lokesh Parihar

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

22/04/2026

- 1. Being dissatisfied with the judgment and award dated 12.08.2025 passed by the learned Motor Accident Claims Tribunal, Ajmer in M.A.C Case No.145/2023, whereby the claim petition filed by the appellants-claimants (for short 'claimants') was partly

allowed, the claimants have preferred the present appeal for enhancement of compensation.

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

3. The grievance of the learned counsel for the claimants is that while calculating the monthly income of the deceased, on the basis of minimum wages notified by the State Government for a skilled worker for the relevant time, the learned Tribunal calculated the monthly income on the basis of 26 days in a month, whereas, the same should have been calculated by taking 30 days in a month. It is further submitted that since, at the time of accident the age of the deceased was 30 years, therefore, multiplier of 17 should be applied.

4. From a bare perusal of the impugned judgment and award, it is revealed that the learned Tribunal calculated the monthly income of the deceased, at Rs.7358/-, by taking 26 days in a month.

4.1 This Court in the cases of **Jalaur Singh and Ors. Vs. Barkat and Ors.**, S.B. Civil Misc. Appeal No. 6562/2011, decided on 26.03.2012, and **Nandu Devi and Ors. Vs. Sohanlal and Ors.**, S.B. Civil Misc. Appeal No. 769/2017, decided on 23.02.2022, has already held that the monthly income is to be assessed for 30 days instead of 26 days in a month.

4.2 It is undisputed that at the time of accident, the minimum wages payable to a skilled worker, as notified by the State of Rajasthan, were Rs.283/- per day. Therefore, the monthly income of the deceased would amount to Rs.8,490/- instead of

Rs.7,358/-. Accordingly, the annual income of the deceased would be Rs.1,01,880/- (Rs.8,490/- x 12).

4.3 Further, considering the fact that at the time of accident the age of the deceased was 30 years, therefore, multiplier of 17 would be applicable, leading to income of Rs.17,31,960/- (Rs.1,01,880/- x 17).

4.4 The learned Tribunal has rightly made addition in the income of the deceased @ 40% towards future prospects, therefore, the total income of the deceased would be Rs.24,24,744/- (Rs.17,31,960/- + Rs.6,92,784/-).

4.5 Additionally, considering the fact that at the time of accident, the deceased was unmarried, hence, 1/2 (half) of the income of the deceased has been rightly deducted, by the learned Tribunal, for his personal expenses. Resultantly, the total loss of dependency of the deceased would be Rs.12,12,372/- (Rs.24,24,744/- – Rs.12,12,372/-). Accordingly, the claimants are entitled to compensation of Rs.12,12,372/- under the head of loss of dependency.

5. As the learned Tribunal has awarded only Rs.9,88,800/-, therefore, the compensation awarded by the learned Tribunal under the head of loss of dependency is enhanced by **Rs.2,23,572/-**.

6. The rest the impugned award shall remain intact. The respondents are directed to deposit the enhanced amount within a period of two months from today.

7. It is directed that the enhanced amount shall carry the interest in terms of the award passed by the learned Tribunal and

the amount shall be disbursed in terms of the award passed by the learned Tribunal.

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

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

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

(SANDEEP TANEJA),J