

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 297/2026

1. Gulab W/o Gyarsi Lal, Aged About 59 Years,
2. Gyarsilal S/o Nandaram, Aged About 60 Years,
Residents Of Indrapura Colony, Devli Gao Tehsil Devli,
District Tonk.

----Appellants/Claimants

Versus

1. Ratanlal S/o Mohanlal, Resident Of Gram Rawatkhedha,
Tehsil Jahajpur, District Bhilwada. Vehicle Driver And
Owner Motorcycle No. RJ-51-SK-9409.
2. National Insurance Co. Limited, Office Chandresh
Bhawan, Jaipur Road, Chhawani, Tonk.

----Respondents

For Appellant(s) : Mr. Bhanu Prakash Verma, Adv.

For Respondent(s) : Mr. Ram Singh Bhati, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

06/05/2026

1. By way of filing the instant civil misc. appeal, the appellants-claimants have challenged the impugned judgment and award dated 11.08.2025 passed by the learned Motor Accident Claims Tribunal, Tonk (hereinafter referred to as learned 'Tribunal') in Claim Petition No. 336/2023 titled as Gulab & Anr. Vs. Ratanlal & Anr, whereby the claim petition filed by the appellants-claimants for claiming compensation due to death of one Mohan Lal, has been partly allowed and an award of Rs.10,45,614/- has been passed in favour of the appellants-claimants along with interest @ 7% per annum.

2. Aggrieved by the aforesaid judgment and award dated 11.08.2025, the appellants-claimants have approached this Court by way of filing the instant appeal, while seeking enhancement of the amount of compensation awarded by the learned Tribunal.

3. Learned counsel for the appellants-claimants submits that in the present matter, the accident occurred on 11.11.2022 and the deceased was 26 years of age and was unmarried son of the appellants-claimants on the date of accident. Learned counsel further submits that the deceased Mohan Lal was earning Rs.25,000/- per month by doing the work of stone cutting. However, no cogent proof of the same was submitted before the learned Tribunal, therefore, learned Tribunal determined the daily income of the deceased on the basis of minimum wages of an unskilled worker prevalent on the date of the accident. Learned counsel contends that the daily minimum wages of the deceased has been wrongly determined since the accident has occurred on 11.11.2022 and learned Tribunal has assessed the daily income based upon the minimum wages prevalent w.e.f. 01.07.2021, therefore, the daily income of the deceased should be enhanced adequately. Learned counsel further contends that the learned Tribunal has awarded compensation under the head of loss of consortium only to one of the parents, whereas, both the parents are entitled to get the compensation under the head of 'filial' consortium. Therefore, learned counsel prays that the appeal be allowed and the amount of compensation should be enhanced in accordance with law.

4. Per contra, learned counsel appearing on behalf of the respondent No.2-Insurance Company opposes the prayer made on

behalf of learned counsel for the appellants-claimants and submits that in the year 2022, the minimum wages were not revised by the State Government, therefore, the prevalent minimum wages on the date of accident i.e. 11.11.2022 should be taken into consideration and minimum wages which were revised w.e.f. 04.09.2023, which was after the date of accident, should not be considered.

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

6. So far as the rate of minimum wages is concerned, as per the notification of State Government, minimum wages were revised w.e.f. 01.07.2021 @ Rs.259/-per day and thereafter w.e.f. 04.09.2023 @ Rs.285/- per day. Admittedly, minimum wages were not revised in the year 2022 and the accident in this case has occurred on 11.11.2022, however, looking to the concept of beneficial nature of the legislation, this Court deems it fit to determine the minimum wages of the deceased @ Rs.270/- per day. Accordingly, the monthly income of the deceased is calculated as $\text{Rs.270/-} \times 30 = \text{Rs.8,100/-}$.

7. Considering the fact that the age of deceased was 26 years at the time of accident, the learned Tribunal has rightly added 40% of the income i.e. Rs.3240/- towards future prospects and has rightly applied the multiplier of 17 for calculation of loss of future income. Therefore, monthly income of the deceased is calculated as $\text{Rs.8100/-} + \text{Rs.3240/-} = \text{Rs.11,340/-}$.

8. Looking to the fact that the deceased was unmarried at the time of accident, the learned Tribunal has rightly applied the deduction of $1/2$ from the monthly income of the deceased

towards his personal and living expenses. Thereby, the monthly income of the deceased comes to Rs.5670/- and the total loss of dependency is calculated as Rs. 5670/- x 12 x 17 = Rs. 11,56,680/-.

9. Looking to the fact that the learned Tribunal has awarded compensation to only one parent under the head of loss of consortium, however, in the light of the judgments passed by the Hon'ble Apex Court in the cases of **National Insurance Company Limited Vs. Pranay Sethi & Ors.** reported in **(2017) 16 SCC 680**, **United India Insurance Company Limited Vs. Satinder Kaur @ Satwinder Kaur & Ors.** reported in **(2021) 11 SCC 780** and **Magma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram & Ors.** reported in **(2018) 18 SCC 130**, this Court is of the opinion that the other parent is also entitled to get the compensation of amount of Rs.44,000/- under the head of 'filial' consortium.

10. Considering the fact that the accident occurred on 11.11.2022, learned Tribunal has awarded an amount of Rs.48,000/- under the head of loss of consortium and an amount of Rs.18,000/- each, towards funeral expenses and loss of estate, however, as per the principles enunciated by the Hon'ble Apex Court in the case of **Pranay Sethi** (supra), the appellants-claimants are entitled to an amount of Rs.44,000/- each, under the head of loss of consortium and an amount of Rs.16,500/- each, towards funeral expenses and loss of estate.

11. Considering the overall facts and circumstances of the case, the impugned judgment and award is enhanced in the following terms:-

S. No.	Heads	Amount (in Rs.)
1.	Loss of Future income	Rs. 11,56,680/-
2.	Loss of consortium (for both the parents Rs.44,000/- each)	Rs. 88,000/-
3.	Loss of Estate	Rs. 16,500/-
4.	Funeral Expense	Rs. 16,500/-
The amount of compensation determined by this court		Rs. 12,77,680/-
The amount of compensation awarded by the learned Tribunal		Rs. 10,45,614/-
Difference in compensation amount after enhancement		Rs. 2,32,066/-

12. Accordingly, the instant civil miscellaneous appeal filed by the appellants-claimants is partly allowed, and the award of Rs.10,45,614/- passed by the learned Tribunal is enhanced to **Rs.12,77,680/-**. Income tax will be deducted from this amount as per the rules. The compensation amount previously received by the appellants-claimants, if any, will be adjusted against the enhanced awarded amount, and the appellants-claimants shall be entitled to receive the remaining amount. The appellants-claimants are entitled to receive interest at the rate of 8% per annum on the compensation amount enhanced by this order from the date of filing of the claim petition.

13. Accordingly, the instant civil miscellaneous appeal filed by the appellants-claimants is disposed of, in terms of the discussion made hereinabove.

14. Stay application(s), if any, and any other pending application(s) also stand disposed of.

(ASHUTOSH KUMAR),J