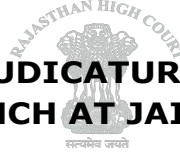




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Miscellaneous Appeal No. 286/2024

1. Smt. Manoji Devi W/o Ramavtar, Aged About 22 Years, R/o Near N.H. 12 Bharni, Tehsil Tonk, Distt. (Raj.)
2. Himesh S/o Ramavtar, Aged About 1 and 1/2 Years, Minor Represented Through Natural Guardian Mother Manoji Devi R/o Near N.H. 12 Bharni, Tehsil Tonk, Distt. (Raj.)
3. Mangilal S/o Motilal, Aged About 61 Years, R/o Near N.H. 12 Bharni, Tehsil Tonk, Distt. (Raj.)
4. Sodra W/o Mangilal, Aged About 70 Years, R/o Near N.H. 12 Bharni, Tehsil Tonk, Distt. (Raj.)
5. Vandana D/o Mangilal, Aged About 15 Years, R/o Near N.H. 12 Bharni, Tehsil Tonk, Distt. (Raj.)

---Claimants/Appellants

Versus

1. Sanjay Prajapati S/o Shantilal, R/o 11-23-168, Shivanand Nagar, Near Nagarvel Hanuman Amariyawadi, Ahemdabad.
.....Driver Of Vehicle No. Up62-AT-9717
2. Rajesh S/o Doodhnath, R/o Village And Post Bhatoli, Tehsil Badlapur, Jaunpur (U.P.)
.....Owner Of Vehicle No. UP62-AT-9717
3. New India Insurance Company Ltd, Divisional 3 Transport Nagar, Behind SBI Bank Jaipur.

---Non-Claimants/Respondents

For Appellant(s) : Mr. Amit Sharma

For Respondent(s) : Mr. Amar Nath Pareek

HON'BLE MR. JUSTICE SANDEEP TANEJA

Judgment

24/03/2026

1. This appeal has been filed under section 173 of Motor Vehicle Act, 1988 seeking enhancement of compensation awarded, vide impugned judgment and award dated 14.09.2023, by the learned Motor Accident Claim Tribunal, Tonk (for short 'the learned



Tribunal') in Claim Petition No.52/2020, whereby the claim petition filed by the claimants - appellants (hereinafter referred to as 'the claimants') was partly allowed by awarding compensation of Rs. 22,42,992/- along with interest @ 7% per annum, in favour of the claimants.

2. The sole issue raised by the learned counsel for the claimants is that the learned Tribunal has erred in not granting compensation under the head of loss of consortium as per the principles laid down by the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. Vs. Pranay Sethi** reported in **(2017) 16 SCC 680** and **Magma General Insurance Company Vs. Nanuram @ Chuhru Ram & Ors.** reported in **(2018) 18 SCC 130**, wherein it was held that each dependant is entitled to get compensation of Rs.40,000/- for the loss of consortium. Therefore, the amount of loss of consortium ought to have been awarded to all the five claimants i.e., wife, son, father, mother and sister of the deceased, separately, however, the learned Tribunal has awarded a lump sum amount of Rs.44,000/- as compensation under the said head.

3. Per contra, learned counsel for the respondents has opposed the submissions made by learned counsel for the claimants and has submitted that the impugned award is just and reasonable, therefore, requires no interference of this Court.

4. Having heard learned counsel for both the parties, this Court is of the opinion that in light of principles laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra) and **Nanuram** (supra), each claimant is separately entitled to get compensation under the head of loss of consortium.



5. From a perusal of the impugned judgment and award, it is revealed that the learned Tribunal has awarded a lump-sum amount of Rs.44,000/- for loss of consortium, however, it should have been awarded to each of the claimant separately. Since, there are five claimants, therefore, the total compensation under this head would be Rs.2,00,000/- (Rs.40,000/- x 5).

6. In view of the above discussion, the claimants are entitled to get an enhanced amount of Rs.1,56,000/- (Rs.2,00,000/- - Rs.44,000/-) towards the compensation under the head of loss of consortium.

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

8. It is directed that the enhanced amount shall carry the rate of interest in terms of the impugned award.

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

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

(SANDEEP TANEJA),J