

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 261/2026

1. Shravan Kumar, aged about 52 Years, S/o Shri Chhitramal,
2. Kaushalya Devi Wife of Shri Shravan Kumar, aged about 50 Years, R/o Ward No. 19, Andesari Mohalla, Ajitgarh, Tehsil Shrimadhampur, District Neemkathana (Raj.).

----Appellants-Claimants

Versus

1. Arjunlal Son Of Shri Narayan Lal, Resident Of Ward No. 4, Badi Dhani, Tan Nathawala, Tehsil Shahpura, District Jaipur (Raj.) (Driver And Registered Owner Car Number RJ-18-UB-0042).
2. United India Insurance Company Limited, Regional Office-3rd Floor Claims Centre 93, Sapphire Centre, Opposite ESI Hospital, Ajmer Road, Jaipur (Raj.) (Insurance Company Car No. RJ-18-UB-0042).

----Respondents

For Appellant(s)	:	Mr. Sunil Jain for Mr. Ram Sharan Sharma
For Respondent(s)	:	Mr. V.P. Mathur

HON'BLE MR. JUSTICE SANDEEP TANEJA
Judgment

29/04/2026

1. The present appeal has been filed under Section 173 of Motor Vehicle Act, 1988 against the judgment and award dated 06.11.2025 passed by the learned Motor Accident Claims Tribunal (Additional District & Session Judge) No.2, Shahpura, District Jaipur (for short 'Tribunal') in MAC Case No. 161/2025 whereby the claim petition filed by the claimants-appellants (for short 'claimants') was partly allowed.
2. The brief facts of the case giving rise to the present appeal are that the claimants filed a claim petition before the learned Tribunal stating therein that on 10.01.2024, at around 8 PM, Kaluram (since deceased) was going on motorcycle bearing registration No.RJ23-GS-2140 and when he reached near Bhagwati ITI, a car bearing registration

No.RJ18-UB-0042 being driven by respondent No.1, in a rash and negligent manner, hit the motorcycle from behind. As a result of which, deceased sustained serious injuries and later on died.

3. The learned Tribunal, vide impugned judgment and award, partly allowed the claim petition and awarded a total compensation of Rs.11,68,148/- in favour of the claimants, along with interest @ 6% per annum from the date of filing of the claim petition.

4. Being dissatisfied with the aforesaid judgment and award, the claimants have preferred the present appeal seeking enhancement of the compensation so awarded.

5. Learned counsel for the claimants has submitted that while calculating the monthly income of the deceased on the basis of minimum wages as notified by the State of Rajasthan for an unskilled worker for the relevant period, the learned Tribunal has erred in taking 26 days in a month, however, the monthly income ought to have been calculated for 30 days in a month.

5.1 Learned counsel further submitted that in light of the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi** reported in **(2017) 16 SCC 680**, two increments @ 10% each should also be granted in the compensation under the three conventional heads, namely, loss of consortium, funeral expenses, and loss of estate.

5.2 No other issue has been raised by the learned counsel for the claimants.

6. *Per contra*, learned counsel for the respondents has opposed the submissions made by learned counsel for the claimants and submitted that the award passed by the learned Tribunal is just and fair; therefore, no interference by this Court is warranted.

7. Heard learned counsel for the parties and perused the impugned judgment and award.

8. With regard to the first contention raised by the learned counsel for the claimants, a bare perusal of the impugned judgment and award reveals that the learned Tribunal has calculated the monthly income of the deceased at Rs.7,410/- by taking 26 days in a month, on the basis of minimum wages payable to an unskilled worker for the relevant period, which were Rs.285/- per day.

8.1 In this regard, the Co-ordinate Benches of this Court, in **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. Sonhanlal and Ors.**, S.B. Civil Misc. Appeal No. 769/2017, decided on 23.02.2022, have held that the calculation of the monthly income of the deceased, on the basis of minimum wages, is required to be made for 30 days in a month.

8.2 In view of the above legal position, the monthly income of the deceased will be calculated for 30 days in a month.

8.3 Undisputedly, in the present case, the minimum wages payable to an unskilled worker at the time of the accident, as notified by the State of Rajasthan, were Rs.285/- per day. Therefore, the monthly income of the deceased would be Rs.8,550/- (Rs.285/- x 30) instead of Rs.7,410/-, and the loss of dependency shall be calculated on the basis of the said monthly income.

9. In so far as the second contention raised by the learned counsel for the claimants regarding increments in the compensation under the three conventional heads is concerned, this Court observes that though the learned Tribunal has awarded compensation under the three conventional heads, namely, loss of consortium, loss of estate, and

funeral expenses but has failed to grant two increments each @10% in the said heads.

9.1 Since more than six years have elapsed from the date of judgment in **Pranay Sethi** (supra) i.e. 31.10.2017, till the date of accident, i.e., 10.01.2024 therefore, in terms of the said judgment, two increments each @ 10% will be applied in the compensation awarded under the three conventional heads.

9.2 Accordingly, the claimants are entitled to get compensation of Rs.96,000/- (Rs.48,000/- to each of the claimants) towards loss of consortium, Rs.18,000/- towards funeral expenses, and Rs.18,000/- towards loss of estate.

10. In view of the above, the compensation payable to the claimants is re-computed as under:-

S.No.	Particular	Amount assessed
1.	Monthly Income	Rs.285 x 30 = Rs.8,550/-
2.	Annual Income	Rs.8,550 x 12 = Rs. 1,02,600/-
3.	According to the age of the deceased i.e. about 27 years, multiplier of 17 to be applied	Rs.1,02,600 x 17 = Rs.17,44,200/-
4.	As per dependency, 1/2 income to be deducted for personal expenses of the deceased (-)	Rs. 17,44,200 – 8,72,100/- = Rs.8,72,100/-
5.	Add 40% towards future prospects (+)	Rs.8,72,100 + 3,48,840/- = Rs.12,20,940/-
6.	Loss of Consortium (two dependents)	Rs.96,000/-
7.	Loss of Estate	Rs.18,000/-
8.	Funeral Expenses	Rs.18,000/-
	Total Compensation (S.No.5+6+7+8)	Rs.13,52,940/-
	Less amount awarded by the Tribunal (-)	Rs.11,68,148/-
	Enhanced amount of compensation	Rs.1,84,792/-

11. Accordingly, the compensation awarded by the learned Tribunal is enhanced by **Rs.1,84,792/-**. 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.

12. It is directed that the enhanced amount shall carry interest at the same rate as awarded by the learned Tribunal, from the date of filing of the claim petition. The enhanced amount shall be disbursed in terms of the award passed by the learned Tribunal.

13. The impugned award is modified in the above terms and the appeal is partly allowed.

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

(SANDEEP TANEJA),J