

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

S.B. Civil Miscellaneous Appeal No. 2688/2007

Suman W/o Shri Sugar Singh, aged about 18 years, B/c Gurjar, R/o Khedla, Tehsil Mahwa District Dausa.

----Appellant

Versus

- 1.Omprakash S/o Shri Gulab singh, B/c Jat, R/o Behror District Alwar (Driver of the vehicle)
- 2.Rajasthan State Road Transport Corporation, through Depot 3. Manager, Hindaun City, District Karauli.
- 3.Rajasthan State Road Transport Corporation through Chairman, Parivahan Marg, Chomu House, Jaipur.

----Respondent

For Appellant(s) : Mr. Prashant Sharma on behalf of Mr. J.P. Gupta

For Respondents No. 2 and 3 : Mr. Ram Singh Rathore on behalf of Mr. V.S. Yadav

HON'BLE MRS. JUSTICE SABINA

Judgment

30/04/2019

Appellant has filed this appeal, challenging the award dated 30.03.2007 passed by the Motor Accident Claims Tribunal, seeking enhancement of compensation amount.

Learned counsel for the appellant has submitted that the appellant has suffered permanent physical disability to the extent of 17.94%. However, the amount of compensation granted by the Tribunal was on a lower side and required to be enhanced.

Learned counsel for respondents No. 2 and 3 has opposed the appeal.

Appellant had filed the claim petition under Section 166 of the Motor Vehicle Act, 1988, seeking compensation on account of

injuries suffered by her in the motor-vehicle accident which had occurred on 16.11.2003.

Appellant was aged about 18 years, at the time of accident. Hence, appropriate multiplier to work out the amount of compensation would be '18'.

Admittedly, there is no documentary evidence on record with regard to the income of the appellant. Hence, the same is liable to be taken as Rs. 1,800/- per month in view of the minimum wages fixed by the State from time to time.

As per Exhibit-01 disability certificate, appellant has suffered permanent physical disability to the extent of 17.94%. The said certificate has been issued by the Medical Board of Doctors and there is no reason to doubt the genuineness of the same. A perusal of the said certificate reveals that the appellant would have difficulty in sitting cross-leg, squatting and working with right shoulder.

Thus, the appellant would be entitled to receive Rs. 1,800/- $\times 12 \times 18 \times 17.94\% = \text{Rs. } 69,750/-$ by way of compensation vis-à-vis permanent disability suffered by her. Appellant would be further entitled to receive an addition of 40% of the said amount towards loss of her future prospects and the said amount comes to Rs. 27,900/-. Appellant would be further entitled to receive Rs. 10,000/- towards transportation expenses and Rs. 10,000/- towards special diet etc.

Admittedly, sum total of the medical bills proved on record with regard to the expenses incurred by the appellant on her treatment are to the tune of Rs. 13,345/-.

Learned counsel for the appellant has submitted that the appellant had remained admitted in the hospital for 12 days.

Hence, appellant would be entitled to receive Rs. 6,000/- towards hospitalisation expenses. Appellant would be further entitled to receive Rs. 30,000/- towards pain and suffering.

Thus, the appellant would be entitled to receive, in all, Rs. 69,750/- + Rs. 27,900- + Rs. 10,000/- + Rs. 10,000/- + Rs. 13,345/- + Rs. 6,000/- + Rs. 30,000/- = Rs. 1,66,995/-.

Accordingly, this appeal is allowed. Impugned award dated 30.03.2007 is modified to the extent that the appellant would be entitled to receive Rs. 1,66,995/- by way of compensation instead of Rs. 76,445/- as awarded by the Tribunal. Remaining terms and conditions of the award shall remain unchanged. It is further ordered that the enhanced amount of compensation of the appellant be invested in Fixed Deposit Receipts with some Nationalized Bank, initially for a period of three years and the interest accrued on the deposit shall be paid to the appellant on monthly basis. The Secretary, District Legal Services Authority, Bandikui, District Dausa shall invest the amount in Fixed Deposit Receipts in the name of the appellant in some Nationalized Bank. The Secretary, District Legal Services Authority, Bandikui, District Dausa shall further apprise the appellant with regard to the amount which has been granted to her by way of enhancement and the fact that the enhanced amount shall be invested in Fixed Deposit Receipts in some Nationalized Bank for her benefit.

(SABINA) J.

Sudha/50