
(2006) 02 RAJ CK 0020
In the Rajasthan High Court

Dashrath

APPELLANT

Vs

Jagdish Prasad Jat and Another

RESPONDENT

Date of Decision : 14-02-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2006) 3 ACC 50

Hon'ble Judges : Khem Chand Sharma, J

Bench : Single Bench

Judgement

K.C. Sharma, J.—Through this appeal u/s 173 of the Motor Vehicles Act, 1988, the appellant seeks to modify the award dated 28.3.1997 passed by the learned Judge, Motor Accident Claims Tribunal, Tonk whereby the learned Judge has awarded a sum of Rs. 1,67,275. 2. I have heard learned Counsel for the appellant and gone through the award sought to be modified. In the claim petition, the claimant has claimed compensation to the tune of Rs. 8,52,000 under various heads. The learned Judge, on consideration of evidence and material available on record and having concluded that the accident took place on account of rash and negligent driving of truck.

3. At the time of accident the age of the appellant claimant was 26 years and he was engaged as a driver and earning Rs. 1,800 per month. Taking the monthly income of appellant at Rs. 1,800 per month and considering his age, the learned Tribunal applied the multiplier of 17 and calculated the amount of compensation at $1800 \times 12 \times 17 = 3,67,200$ and keeping in view the fact that appellant has suffered disability to the extent of 40% awarded a sum of Rs. 1,46,880 i.e., 40% of the amount calculated against the loss of income in future. The Tribunal has further awarded a sum of Rs. 2,395 as costs of medicine, Rs. 12,000 as against loss of income for a period of six months during which he could not work, Rs. 2,000 as against the expenses incurred on x-rays and Rs. 4,000 as against the expenditure incurred on coming to Jaipur and going back for the purposes of treatment. In all the Tribunal has awarded a total claim of Rs. 1,67,275 in favour

of the appellant. In my considered view, the award sought to be modified cannot be interfered with inasmuch as the Tribunal in awarding compensation has taken into consideration every aspect of the matter.

4. For the reasons aforesaid, the award of the Tribunal sought to be modified in this appeal does not call for any interference and consequently this appeal fails and is hereby dismissed.