



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 564/2017

Raj Lohar S/o Sh. Mangi Lal Lohar, Resident Of Near
Parshwanath Mandir, Savina, Udaipur.

----Appellant

Versus

1. Shambhu Lal Odd S/o Sh. Ganga Ram Ji Odd, Resident Of
Bhinder Valabh Nagar, District Udaipur. Vehicle Driver
2. Ambalal Odd S/o Sh. Ganga Ram Odd, Resident Of 230
Vijay Singh Rathik Nagar, Kachhi Basti, Savina, Uaipur.
Owner Of Vehicle
3. Divisional Manager, H.d.f.c. Agro, General Insurance
Company Ltd., Through Its Branch Manager, Udaipur.
Insurer Of Vehicle

----Respondents

For Appellant(s)	:	Mr. Naresh Khatri
For Respondent(s)	:	Mr. TRS Sodha

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Judgment

04/03/2021

The present appeal has been filed against the judgment and award dated 22.09.2016 passed by the Motor Accident Claims Tribunal No.1, Udaipur in Claim Case No.509/2014 whereby the learned Tribunal awarded a sum of Rs.4,18,000/- in favour of the claimant on account of the injuries suffered by him in the accident which occurred on 6.1.2014.

The Tribunal after framing of the issues, evaluating the evidence and after hearing the counsel for the parties decided the claim petition of the appellant.



Learned counsel for the appellant submits that the appellant has suffered grievous injuries in the accident and the Medical Board has assessed the disability to the extent of 30%. He further submits that the Tribunal has wrongly considered the disability to the extent of 25%. He thus submits that the computation of award is required to be recomputed after taking into consideration the permanent disability to the extent of 30%.

As far as the income of the appellant is concerned, the same is correctly assessed as Rs.6,000/- per month.

Per contra, learned counsel for the respondent while opposing the submissions made on behalf of the counsel for the appellant submits that the learned Tribunal has correctly assessed the evidence brought on record and has rightly computed the award. The same does not call for any interference by this Court. However, he is not in a position to controvert the fact that the Medical Board has assessed the permanent disability to the extent of 30% on account of the injuries suffered by the appellant.

I have considered the submissions made at the Bar and gone through the impugned judgment and award as well as other relevant record of the case.

It is an admitted fact that the accident occurred on 6.1.2014 in which the appellant – Raj Lohar suffered grievous injuries and the Medical Board has assessed the permanent disability to the extent of 30%. The appellant was doing the job of Khalasi and by virtue of the disability so suffered, his output is reduced considerably. Thus, this Court is of the opinion that the award is required to be recomputed while considering the disability assessed to the extent of 30% as reflected in the opinion of the Medical Board.



In view of the discussions made above, the appeal is allowed and the respondent – Insurance Company is directed to pay an enhanced amount of Rs.61,200/- to the appellant within a period of six weeks in addition to the amount already awarded by the Tribunal. The enhanced amount shall carry an interest @ 6% from the date of filing of the application till the same is paid.



(VINIT KUMAR MATHUR),J

63-praveen/-

RAJASTHAN HIGH COURT



सत्यमेव जयते