



2026:AHC:179744

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2107 of 2005

Raghubar Singh Maharana

.....Appellant(s)

Versus

The New India Assurance Company Ltd.And
Another

.....Respondent(s)

Counsel for Appellant(s)	:	A.L. Jaiswal, Sharve Singh
Counsel for Respondent(s)	:	Amit Singh

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Sri Sharve Singh, learned counsel for the appellant and Sri Amit Singh, learned counsel for the respondents.

2. This appeal, at the instance of the claimant seeking enhancement of compensation, challenges the judgment and award dated 5.5.2005 passed by the Motor Accident Claims Tribunal/Special Judge (SC/ST), District Gautam Budh Nagar in M.A.C. No. 141 of 2002, whereby a sum of Rs. 2,67,000/- was awarded as compensation along with interest at the rate of 6% per annum.

3. Learned counsel for the appellant submitted that the appellant sustained 50% permanent disability owing to an accident which occurred on 28.3.2002 at about 9:00 p.m., when his motorcycle was hit by a Maruti Car bearing Registration No. DL 4 CE 5742. His disability to the extent of 50% was duly proved by PW-5, Dr. B.K. Patta. The appellant claimed that he was earning Rs. 7,000/- per month at the time of the accident. However, the learned tribunal discarded his claim regarding income and assessed his monthly income at Rs. 3,000/-. Although the learned tribunal accepted that the appellant had suffered 50% disability, it erred in calculating the compensation by deducting one-third of his annual income towards personal expenses.

4. He further submitted that no amount towards medical expenses was awarded by the learned tribunal, although the appellant proved that he remained under treatment and was admitted to the hospital from 28.3.2002 to 22.4.2002. The amounts payable under the non-pecuniary heads, which are required to be awarded in the case of an injured claimant, were also not

awarded by the learned tribunal. It was, therefore, submitted that the award passed by the learned tribunal is inadequate and requires re-modification and reassessment.

5. Learned counsel for the respondent-insurance company submitted that the award passed by the learned tribunal does not suffer from any infirmity. He further submitted that although the appellant was unable to prove the functional disability suffered by him, the learned tribunal accepted his disability to the extent of 50% without any justification. It was submitted that the award passed by the learned tribunal is adequate and does not warrant any interference.

6. Heard learned counsel for the parties and perused the impugned judgment dated 5.5.2005. It appears that the learned tribunal, after assessing the annual income of the appellant at Rs. 36,000/-, deducted one-third thereof towards personal expenses, which is not sustainable in the case of an injured claimant. The learned tribunal awarded a sum of Rs. 1,56,000/- towards loss of earning, in addition to Rs. 5,000/- towards pain and suffering. The period during which the appellant remained admitted to the hospital was also not taken into consideration by the learned tribunal. Therefore, this Court is of the view that the compensation awarded by the learned tribunal requires recalculation by correcting the aforesaid error and further enhancement by awarding appropriate amounts under the relevant non-pecuniary heads.

7. Hence, the total compensation payable to the appellant is computed herein below:

i. Monthly Income: Rs. 3,000/-

ii. Annual Income: $(3,000 \times 12) =$ Rs. 36,000/-

iii. Disability = 50%

iv. Multiplier Applicable: 13

v. Loss of earning capacity: $(18,000 \times 13) =$ Rs. 2,34,000/-

vi. Pain and suffering : Rs. 5,000/-

vii. Loss of amenities, attendant charges + special diet + transportation = Rs. 50,000/-

viii. Total Compensation: Rs. 2,34,000/- + Rs. 5,000/- + Rs. 50,000/- = Rs. 3,34,000/-

8. In view of the above, appellant/claimant is entitled to a total compensation of Rs. 3,34,000/- along with rate of interest at the rate of 7% per annum in terms of Rule 220-A of U.P. Motor Vehicles Rules, which shall be indemnified by the insurer of the offending vehicle.

9. Accordingly, the appeal is allowed. The impugned award passed by the learned Tribunal is modified to the aforesaid extent.

10. It is further directed that if any amount has already been paid by the Insurance Company pursuant to the award of the learned Tribunal, the same shall be adjusted towards the total amount payable under this judgment. The Insurance Company shall deposit the enhanced amount of compensation before the concerned Tribunal within a period of two months from the date of this order; it shall further be released by the learned Tribunal within four weeks after the deposit of the said amount in favour of the claimant in his respective savings bank accounts in cash.

(i) The claimants are hereby directed to provide their savings bank account details, having R.T.G.S. facility, within four weeks from today to the learned tribunal.

(ii) The said amount shall be transferred to the savings bank accounts of the claimants by way of passing a judicial order, so that the differential amount may be transferred directly from the account of the tribunal to the accounts of the claimants, after completing the necessary formalities, if any.

August 25, 2026
Ujjawal

(Anil Kumar-X,J.)