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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL**

**ON THE 26<sup>th</sup> OF APRIL, 2024**

**MISC. APPEAL No. 3740 of 2023**

**BETWEEN:-**

1. **MUNNALAL S/O JASRATH YADAV, AGED ABOUT 45 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE HIRAPURA POLICE STATION KOTWALI NIWARI, DISTRICT NIWARI (M.P.) (MADHYA PRADESH)**
2. **KU. DOLI YADAV D/O SHRI MUNNALAL YADAV, AGED ABOUT 21 YEARS, OCCUPATION: UNEMPLOYED R/O VILLAGE HIRAPURA, P.S. KOTWALI NIWARI, DISTRICT NIWARI (MADHYA PRADESH)**
3. **SIDDHARTH YADAV S/O SHRI MUNNALAL YADAV, AGED ABOUT 19 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE HIRAPURA, P.S. KOTWALI NIWARI, DISTRICT NIWARI (MADHYA PRADESH)**

**.....PETITIONER**

***(SHRI AMIT TIWARI APPEARING ON BEHALF OF RAHUL RAWAT)***

**AND**

1. **RAKESH S/O SHRI POORAN YADAV R/O VILLAGE HIRAPURA, POLICE STATION KOTWALI NIWARI, DISTRICT NIWARI(M.P.) (MADHYA PRADESH)**
2. **KALPANA W/O ANIL YADAV R/O VILLAGE SEMARI AHIRAN, P.S. TODI FATEHPUR, DISTRICT JHANSI (UTTAR PRADESH)**
3. **THE NATIONAL INSURANCE COMPANY LTD. THROUGH ZONAL MANAGER, INDARGANJ SQUARE LASHKAR, GWALIOR, DISTRICT GWALIOR (MADHYA PRADESH)**

**.....RESPONDENTS**

*This appeal coming on for admission this day, the court passed the following:*

**ORDER**

With the consent of the parties, heard finally at motion stage.

2. This appeal has been filed by the appellants under Section 173 of The Motor Vehicle Act, 1988 against the award dated 24.2.2023 passed in MACC No.57/2021 by First Member, MACT, Niwari District Tikamgarh seeking enhancement of compensation.

3. Learned counsel for the appellants submits that Tribunal has determined deceased monthly income as Rs.6000/- whereas it should have been determined on the basis of minimum wages as notified under the Minimum wages Act. Further, no consortium has been granted to the appellants 1 to 3. On above grounds, it is urged that suitable compensation amount be awarded.

4. Learned counsel for the respondent insurance company submits that just and proper amount has been awarded by the Tribunal. Hence, no interference is required in the case.

5 I have heard learned counsel for the parties and perused the record of the case.

6. So far as income of deceased is concerned, on the date of incident, on 23.10.2022, minimum wages of an unskilled labour were Rs.8400/-. Therefore, monthly income of deceased is determined as Rs.8400/- per month. In view of aged of deceased, 25% future prospects is to be added and multiplier of 14 is to be applied. Further, in view of number of dependency, 1/3 rd is to be deducted for personal and living expenses. Further, appellants 1 to 3 were being son and daughter of deceased were also entitled to receive Rs.40,000/-.

Appellants are also entitled to Rs.15000/- for loss of estate and funeral expenses. In view of above, compensation is recalculated as under:-

7. Enhancement compensation shall carry interest at the rate determined by the Tribunal. Other findings of the Tribunal shall remain intact.

8. Accordingly, appeal filed by the appellants is partly allowed to the extent indicated hereinabove.

Hashmi

**(ACHAL KUMAR PALIWAL)**  
**JUDGE**

