



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



S.B. Civil Miscellaneous Appeal No. 434/2020

United India Insurance Co. Ltd., Through Branch Manager, United India Insurance Co. Ltd. Dhoolkot Road, Dholpur, Rajasthan Having Its Regional Office At Sahara Chamber, Tonk Road, Jaipur Through Tp Claim Hub, 93 Sapphire Centre, Ajmer Road, Jaipur Through Its Constituted Attorney

-----Appellant

Versus

1. Munni W/o Late Vinod Kumar, Aged About 53 Years, Resident Of Village Khudila, Tehsil And Ps Rajakhera, District Dholpur Rajasthan
2. Ravindra Rajoriya S/o Late Vinod Kumar, Aged About 31 Years, Resident Of Village Khudila, Tehsil And Ps Rajakhera, District Dholpur Rajasthan
3. Lalita Rajoriya D/o Late Vinod Kumar, Aged About 29 Years, Resident Of Village Khudila, Tehsil And Ps Rajakhera, District Dholpur Rajasthan
4. Arvind Kumar S/o Late Vinod Kumar, Aged About 27 Years, Resident Of Village Khudila, Tehsil And Ps Rajakhera, District Dholpur Rajasthan
5. Bhagwati Devi W/o Late Keshav Dev, Aged About 74 Years, Resident Of Village Khudila, Tehsil And Ps Rajakhera, District Dholpur Rajasthan
6. Ram Niwas S/o Durg Singh, Aged About 41 Years, Resident Of 16Th Khamba, Ps Kotwali, District Dholpur (Raj)

-----Respondents

For Appellant(s)	:	Mr. Rishipal Agarwal
For Respondent(s)	:	Mr. D.K. Garg Dr. Ramdeo Arya and Ms. Poonam Mishra on behalf of Mr. Ritesh Jain

HON'BLE MR. JUSTICE GANESH RAM MEENA

Judgment

08/07/2025



1. The present appeal has been preferred by the appellant-Insurance Company under Section 173 of the Motor Vehicles Act, 1988, against the award dated 18.11.2019 passed by the learned Motor Accident Claims Tribunal, Dholpur, in Claim Case No. 36/2019. By the said award, the learned Tribunal partly allowed the claim petition filed by the claimants-respondents No.1 to 5 and awarded a compensation of Rs.66,38,800/- along with interest at the rate of 9% per annum from the date of filing of the claim petition. The award was passed jointly and severally against the appellant-Insurance Company and non-claimant respondent No.6.

2. The brief facts giving rise to the claim petition are that the claimants-respondents No.1 to 5 (wife, three major children, and mother of the deceased) filed the claim under Sections 166 and 140 of the Motor Vehicles Act, 1988, on account of the death of Vinod Kumar in a road accident that occurred on 05.12.2018.

It was averred that on the said date, the deceased Vinod Kumar was returning to his village Khudila from Dholpur on a motorcycle. At about 6:30 PM, near Diholi Shramdan turn on the Dholpur-Rajakhera road, a tractor bearing registration No. UP-83-AC-9843, being driven in a rash and negligent manner, collided with his motorcycle. As a result, Vinod Kumar sustained grievous injuries and succumbed to the same.

An FIR bearing No.165/2018 was lodged at Police Station Dholpur. Upon investigation, the police filed a charge sheet against the driver of the offending tractor.



At the time of the accident, the deceased was 58 years old and employed as a Lab Assistant in the Education Department, Government of Rajasthan, drawing a monthly income of Rs.75,000/-.

3. In response to the claim petition, the non-claimant respondent No.6 (registered owner of the tractor) filed a written statement, denying the occurrence of the accident with his vehicle. It was further pleaded that the vehicle in question was insured with the appellant–Insurance Company, and therefore, any liability arising from the accident was to be borne by the insurer.

4. The appellant–Insurance Company also filed its written statement, specifically denying the allegations in the claim petition. It was contended that the tractor had been falsely implicated in the accident to claim illegal compensation. It was further pleaded that the driver was not holding a valid and effective driving licence and that the principles of contributory and composite negligence were attracted. The insurer prayed for dismissal of the claim petition.

The appellant–Insurance Company moved an application under Section 170 of the Motor Vehicles Act, 1988, which was allowed. Consequently, the insurer was permitted to contest the claim petition on all grounds available to the owner and driver of the vehicle.

5. Based on the pleadings of the parties, the learned Tribunal framed four issues and recorded evidence. On behalf of the claimants, AW-1 Smt. Munni and AW-2 Rajesh Sharma were examined, and documentary evidence marked as Exhibits 1 to 19



was produced. On behalf of the appellant–Insurance Company, NAW-1 Gaurav Sharma was examined, and documentary evidence Exhibits NA-1 to NA-7 (including NA-6 and NA-7 repeated) was submitted.

6. After appreciating the pleadings, evidence, and arguments advanced by the parties, the learned Tribunal, vide award dated 18.11.2019, decided all the issues against the appellant and respondent No.6, and awarded compensation to the tune of Rs.66,38,800/- with interest @ 9% per annum from the date of filing of the claim petition i.e., 16.01.2019, in favour of the claimants and against the appellant and respondent No.6 jointly and severally.

7. Aggrieved by the said award, the appellant–Insurance Company has preferred the present appeal.

8. Learned counsel for the appellant–Insurance Company assailed the impugned award dated 18.11.2019 passed by the learned Tribunal as being illegal, perverse to the facts on record, and without proper appreciation of the evidence. He submits that the Tribunal erred in deciding issue No.1 by failing to properly assess the burden of proof upon the claimants to establish the involvement of the offending vehicle and the negligence of its driver in the accident. Counsel pointed out that the Rojnamcha Rapat and the statement of AW-2 Rajesh Sharma, who admitted that he narrated the facts of the accident to the police when they reached the spot, did not mention the registration number of the vehicle involved. This omission, according to the appellant, was



fatal to the claim, and the Tribunal committed a grave error by not dismissing the petition.

He further submits that the Tribunal committed serious errors in computing the compensation under issues No.3 and 4. The deceased was considered to be a 58-year-old Government servant, earning Rs.78,390/- per month. However, the Tribunal adopted the net salary of Rs.69,230/- for computing compensation without deducting the applicable income tax, thereby inflating the compensation. It was submitted that out of the four claimants, three were major children, one of whom was already married, and hence, the dependency should have been calculated in the ratio of 2/3rd instead of 3/4th, as per settled principles. He also submitted that in a present case split multiplier method should have been applied considering the age of the deceased and other relevant factors. Based on this method, counsel submitted that the correct compensation should have been Rs.35,73,038/-, thereby showing an excess award of Rs.30,65,762/-.

He further submitted that the Tribunal wrongly considered the major children as dependents, contrary to settled legal position, thereby inflating the dependency. Additionally, counsel contended that interest on the amount attributed to future prospects ought not to have been awarded, since such income is merely notional and prospective in nature. Lastly, he submits that the Tribunal failed to ensure that the award was just, fair, and reasonable and instead ventured to award an exaggerated and inflated compensation. Accordingly, it was prayed that the



impugned award be suitably modified and reduced in the interest of justice.

9. Counsels appearing for the Respondent-Claimants supported the impugned judgment and award passed by the learned Claims Tribunal and submits that the learned Claims Tribunal after discussing the evidence and considering the other material available on record has rightly passed the impugned judgment and award and thus it warrants no interference by this Court.

10. Considered the submissions advanced by the counsels appearing for the respective parties, perused the impugned judgment and award and also went through the entire material made available to the Court including the record of the case.

11. This Court finds no merit in the appellant's contention challenging the compensation awarded by the Tribunal under issues No.3 and 4. The argument that the Tribunal erred by taking the deceased's net salary of Rs.69,230/- without deducting income tax is misplaced, as there was no conclusive evidence produced to establish the actual tax liability at the relevant time. Moreover, in line with the judgment in *Maya Singh v. Oriental Insurance Co. Ltd.*, judgment dated 7th February 2025, reported as 2025 SCC OnLine SC 266, this Court reiterates that the adoption of the split multiplier method—sought to be justified by reference to *Kumaran v. Roy Mathew*, *Reliance General Insurance Co. Ltd. v. Smt. Rashmi Chawla*, and *Chaya & Ors. v. Suresh*—is now impermissible in law. The approach of bifurcating the multiplier based on the deceased's pre-retirement and post-retirement income has been categorically struck down by the Supreme Court



in *Maya Singh* (supra), which reaffirmed that a uniform multiplier must be applied based on the age of the deceased at the time of death, taking into account the total income, including pensionary benefits. The Tribunal's application of a uniform multiplier of 9, in accordance with this binding precedent, is therefore correct and legally sound.

12. The Supreme Court, in its ruling in *Maya Singh v. Oriental Insurance Co. Ltd.*, definitively struck down the use of the split multiplier method in motor accident compensation cases, emphasizing its inconsistency with the principles of uniformity, predictability, and fairness enshrined in the Motor Vehicles Act. The split multiplier method involved calculating compensation for loss of dependency using two different multipliers: one for the deceased's earning years before retirement, based on their salary, and a separate, often lower multiplier for the post-retirement years, based on expected pension income. The Court observed that this bifurcation led to arbitrary and speculative estimations, introducing subjectivity and inequality in the computation process.

The judgment criticized the method for creating unjustified distinctions between salaried individuals who receive pensions and those who do not, thereby failing to uphold the egalitarian aim of the compensation framework. The Court further noted that such segmentation ignored the settled jurisprudence established in *Sarla Verma v. DTC* and *National Insurance Co. Ltd. v. Pranay Sethi*, which endorsed a uniform multiplier system based on the age of the deceased at the time of death. It held that the dependency loss must be assessed using the full annual income—



comprising salary, pension, and all consistent sources of income—subject to standard deductions, and then applying a single multiplier accordingly.

13. Thus, going by the dictum of the hon'ble Supreme Court, it is clear that courts must not indulge in hypothetical postulations about future income fluctuations and should instead adhere to the structured formula approach, which balances both the interests of claimants and insurers within a predictable and rational legal framework. Hence, as regards the contention raised by the counsel for appellants to the effect of applicability of the split multiplier method, the same does not hold water in the present legal scenario.

14. In addressing the challenge to the dependency ratio applied by the Tribunal, this Court finds the appellant's contention untenable. The Tribunal, after a careful assessment of the evidence on record, correctly applied a dependency fraction of 3/4th despite three of the four claimants being major children, including one married daughter. This approach aligns with the principles laid down in the Supreme Court's decision in Seema Rani and ors. v. The Oriental Insurance Co. Ltd. and ors., reported as 2025 INSC 192, judgment dates 11th February, 2025, which emphasizes that the determination of dependency must be based on the factual matrix of each case, taking into account not only the age and marital status of the claimants but also the extent of their actual financial dependence on the deceased. The hon'ble Supreme Court in Seema Rani clarified that major children, particularly those who are unmarried and dependent, are entitled



to compensation, and that married children's dependency must be evaluated with care rather than being automatically excluded. The relevant paragraph of the said judgment is quoted as under:

"9. We have heard the learned counsel for the Appellants. We are unable to agree with the view taken by the Tribunal on the dependents of the deceased. This Court in National Insurance Company Limited v. Birender & Ors., had expounded that major married and earning sons of the deceased, being legal representatives, have a right to apply for compensation, and the Tribunal must consider the application, irrespective of whether the representatives are fully dependent on the deceased or not. The Court went on to conclude that since the sons, in that case, were earning merely Rs.1,50,000/- per annum, they were largely dependent on the earnings of the deceased and were staying with her."

Further, the appellant's recalculation of compensation amounting to Rs.35,73,038/-, which alleges an excess award of Rs.30,65,762/-, is founded on a flawed application of dependency principles and the now-rejected split multiplier method. The Supreme Court in Seema Rani has consistently held that compensation must be computed using a uniform multiplier applied to the total income, without arbitrary deductions or bifurcations, ensuring equitable and just relief to the dependents. Given that the Tribunal's award adheres to these established legal standards and is supported by evidence, there is no ground to interfere with the quantum of compensation.

15. Lastly, in the present case, the applicants have asserted that on 05.12.2018, the deceased Vinod Kumar was returning from



Dholpur to village Khudila on a motorcycle. At approximately 6:30 PM, while reaching near Diholi Shramdan turn on the Dholpur-Rajakhera road, he was struck by a tractor bearing registration no. UP83-AC-9843. It is alleged that the driver of the said tractor was operating the vehicle at a high speed and in a negligent manner, which led to the collision causing grievous injuries to Vinod Kumar, ultimately resulting in his death.

Two individuals, namely Vishambhar and Rajesh Sharma, who were following the deceased on another motorcycle, are stated to be eyewitnesses to the accident. Rajesh Sharma (AW2), in his testimony, has corroborated the incident, stating that he and Vishambhar Dayal were en route to Maraina for work when the accident occurred. He categorically deposed that the deceased was ahead of them on his motorcycle when the offending tractor, being driven negligently, hit him. Vishambhar Dayal, who knew the deceased, promptly informed the family and arranged for an ambulance. The deceased was taken to Dholpur but succumbed to the injuries sustained in the accident.

AW.1- Munni, the wife of the deceased, also supported the version of the accident as claimed by the applicants. The testimony of AW2, who is an eyewitness, remained consistent and credible throughout the cross-examination. No material contradictions were elicited by the opposite party during his cross-examination, and thus, there is no reason to disbelieve his account.

The post-mortem report (Ex.12) records the cause of death as multiple vital organ injuries, supporting the contention that the



injuries were grievous and caused due to the accident. Other documentary evidence, such as the seizure memo (Ex.6) and mechanical inspection report (Ex.10), further corroborate the occurrence of the accident involving the tractor.

In the instant case, the FIR was registered on 06.12.2018 at PS Dihauli (Case No. 165/2018), and after due investigation, a charge sheet under Sections 279 and 304A IPC was filed. This further strengthens the claimants' version of the events.

The investigator for the Insurance Company, Gaurav Sharma (NAW1), although not an eyewitness and not present at the spot, did not dispute the occurrence of the accident. His deposition does not weaken the case of the claimants in any material way. The contention raised by the learned counsel for the opposite party that the accident was caused by an "unknown vehicle" is unsustainable. The opposite party has admitted the occurrence of the accident but disputes the identification of the offending vehicle.

In this case, the evidence led by AW2 is consistent, clear, and supported by documentary records. The opposite party has not produced any material or previous contradictory statements to discredit the testimony of the eyewitnesses.

The findings of the learned Tribunal on this issue are well-reasoned and based on cogent evidence. The argument raised by the appellant regarding the absence of the vehicle number in the rojnamcha does not hold merit and is not sufficient to dislodge the conclusions arrived at by the Tribunal.



16. In view of the above analysis and the material placed on record, this Court finds no reason to interfere with the findings of the learned Tribunal. Consequently, the appeal is dismissed, and the Tribunal's award is upheld as fair, reasonable, and in consonance with the prevailing jurisprudence.



(GANESH RAM MEENA),J

Sharma NK- Dy. Registrar/80