



**pIN THE HIGH COURT OF MADHYA PRADESH**  
**AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 7<sup>th</sup> OF APRIL, 2025**

**MISC. APPEAL No. 5582 of 2022**

***MITHLESH JATAV AND OTHERS***

*Versus*

***RAKESH GARG AND OTHERS***

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**Appearance:**

*Shri Devendra Kumar Sharma - Advocate for appellants.*

*Shri Rajesh Gupta - Advocate for respondent No.3/Insurance Company.*

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**ORDER**

This Miscellaneous Appeal, under Section 173(1) of the Motor Vehicles Act, has been filed against the award dated 01.09.2022 passed by II Motor Accident Claims Tribunal, Jaura District Morena in Claim Case No.133/2021.

2. Since the factum of accident is not in dispute, therefore, it is suffice to mention here that deceased Anil lost his life in a vehicular accident which took place on 02.07.2021 at about 7 :00 pm.

3. Seeking enhancement of compensation amount, it is submitted by counsel for appellants that Claims Tribunal has taken notional monthly income of deceased as Rs.7,000/- but as per notification issued under Minimum Wages Act, the minimum wages of an unskilled labourer is Rs.8,700/-. It is submitted that where the parties have failed to prove the notional income of deceased, then notification issued under the Minimum Wages Act can be treated as guiding



factor, therefore, it is claimed that Claims Tribunal has wrongly taken the notional income of the deceased at Rs.7,000/- per month. So far as the compensation awarded under different heads is concerned, no dispute is raised by counsel for appellants in that regard.

4. Per contra, counsel for insurance company has submitted that Claims Tribunal has rightly taken monthly income of deceased as Rs.7,000/-.

5. Heard learned counsel for the parties.

6. It is well established principal of law that where the claimants have failed to prove monthly income of deceased by leading cogent evidence, then notification issued under the Minimum Wages Act can be taken as guiding factor. The accident took place on 02.07.2021 and as per the notification issued under the Minimum Wages Act, monthly minimum wages of an unskilled labourer was Rs.8,700/-.

7. Accordingly, this Court is of considered opinion that Claims Tribunal should have taken monthly income of deceased as Rs.8,700/- and accordingly, it is held that appellants are entitled for the following compensation amount:-

<u>S.No.</u>	<u>Head</u>	<u>Amount payable to Appellant (In Rupees)</u>
1.	Yearly income of the deceased	1,04,400
2.	Future prospects 40%	41760
3.	Total annual income	1,46,160
4.	Dependency @ Personal Expenses 1/5	1,16,928
5.	Multiplier = 18	21,04,704
6.	Consortium as per (2018) ACJ 2782, 44,000/- X7	3,08,000
7.	Funeral Expenses	16500
13.	Loss of estate	16500
14.	Total Rs.	24,45,704



15.	Amount awarded by Claims Tribunal	<b>20,34,440</b>
16	Award enhanced by	<b>4,11,264</b>

**8.** Accordingly, it is held that appellants are entitled for enhancement of awarded by Rs.4,11,264/-. The appellants have valued this appeal at Rs.4,00,000/- and has paid the court fees accordingly. Instead of reducing the compensation amount from Rs.4,11,264/- to Rs.4,00,000/-, it is directed that in case the appellants pay the deficit court fees on the remaining amount of Rs.11,264/- within a period of one week from today, then appellants shall be entitled for entire enhanced amount i.e. Rs.4,11,264/- or else compensation amount shall be enhanced by Rs.4,00,000/- as claimed by appellants in this appeal. The remaining terms and conditions of the award shall remain the same.

**9.** Accordingly, this appeal is finally **disposed of**.

**(G.S. Ahluwalia)**  
**Judge**

Rashid