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

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 26th OF OCTOBER, 2023**

MISC. APPEAL No. 130 of 2020

BETWEEN:-

**JITENDRA S/O SHRI VIJAY RAGHUVANSHI, AGED
ABOUT 28 YEARS, OCCUPATION: AGRICULTURIST BY
CASTE THAKUR VILL. JHAKLAY P.S. SEONIMALVA
DIST. HOSHANGABAD (MADHYA PRADESH)**

.....APPELLANT

(BY SHRI PRAVESH NAVERIYA - ADVOCATE)

AND

- 1. JITENDRA @ LAXMAN @ CHHOTU S/O SHRI
NARAYAN @ RAMPRASAD DARNAL, AGED
ABOUT 27 YEARS, OCCUPATION: BY CASTE
NEPALI STAFF QUARTER BEHIND VILLAGE
PANCHAYAT SHAHPUR P.S. AND TEH. SHAHPUR
DIST. BETUL (MADHYA PRADESH)**
- 2. JAGDISH S/O MADHUKAR PRAJAPATI, AGED
ABOUT 39 YEARS, VILLAGE KONDHAR
PSCHICHOLI POST CHUDIYA BETUL (MADHYA
PRADESH)**
- 3. THE BRANCH MANAGER SHRIRAM GENERAL
INSURANCE CO.LTD. PLOT NO. 58 GANESH WARD
CIVIL LINES BETUL (MADHYA PRADESH)**

.....RESPONDENTS

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

ORDER

This appeal is filed by the claimant being aggrieved of award dated
30.09.2019 passed by learned 4th Additional Motor Accident Claims Tribunal

to 1st Additional Motor Accident Claims Tribunal, Betul in M.A.C.C. No.242/2017 on the ground that accident took place on 02.05.2016. Claimant was 26 years of age at that time, he suffered fracture of left second Metacarpal bone which cause 20% disability as certified by Dr. Rupesh Padmakar was member of the District Medical Disability Board but Tribunal has considered only 10% permanent disability.

Tribunal has considered income of the claimant at Rs.4,500/- per month and thereafter has awarded compensation which is too meager and inadequate, even under other heads inadequate compensation has been awarded.

Nobody is appearing for respondents No.1 to 3 despite service of notice.

On the date of the accident i.e. 02.05.2016, minimum wages even for an unskilled labourer were to the tune of Rs.6,850/- per month or Rs.82,200/- per annum. 10% of this comes out to Rs.8,220/-. 40% is to be added towards future prospects and, then when multiplier of 17 is applied, total compensation under the head of loss of earning capacity will come out to Rs.1,95,636/- against a sum of Rs.91,800/- awarded by learned Claims Tribunal. Thus, there will be enhancement to the tune of Rs.1,03,836/- (Rupees One Lac Three Thousand Eight Hundred Thirty Six Only) under the head of this loss of earning capacity. Since appeal is valued at Rs.1,00,000/- (Rupees One Lac Only), therefore, this enhancement is pegged to Rs.1,00,000/- and it is directed that the Insurance Company shall pay this additional sum of Rs.1,00,000/- (Rupees One Lac Only) along with interest @8% as has been awarded by the learned Claims Tribunal from the date of filing of the claim petition till the date of actual payment.

Other terms and conditions of the award shall remain intact.

In above terms, this appeal is disposed of.

Certified copy as per rules.

(VIVEK AGARWAL)
JUDGE

Tabish

