

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. OF 2025
(Arising out of SLP (C) No.20569 of 2025)

SONI SHARMA

... APPELLANT(S)

VERSUS

**ORIENTAL INSURANCE
CO. LTD. & ORS.**

... RESPONDENT(S)

ORDER

Time taken for disposal of the claim petition by the Tribunal	Time taken for disposal of appeal by the High Court	Time taken for disposal of the appeal in this Court
4 Years 6 Months 28 Days	6 Years 10 Months 25 Days	10 Months 20 Days

Leave granted.

2. This appeal is directed against the judgment and order dated 18th October 2024, passed in MAC.APP No.1038/2017 by the High Court of Delhi at New Delhi, which in turn, was preferred against

the award dated 31st July 2017 passed in MACP No.1425/2016 by the Motor Accident Claims Tribunal, Dwarka Courts, New Delhi.

3. The brief facts leading to the present appeal are that on 20th October 2010, the claimant-appellant, then aged 32 years, was returning home from his office when, near Sagarpur Road, Delhi Cantonment, he was hit by a car bearing registration no.DL-9CB-2327 (*offending vehicle*), which was being driven in a rash and negligent manner, resulting in grievous injuries and disability. In connection with this accident, FIR No.167/2010 was registered at PS Delhi Cantt., under Sections 279 and 338 of the Indian Penal Code, 1860, against the driver of the offending vehicle.

4. A claim petition was filed by the claimant-appellant under Section 166 of the Motor Vehicles Act, 1988, seeking compensation.

5. The Tribunal, *vide* its order, held the Insurance Company (Respondent No.1 herein) liable to compensate the claimant-appellant with an amount of Rs.19,12,844/- along with 10% interest per annum. Upon appreciation of the evidence on record, the Tribunal fixed the monthly income of the claimant-appellant at Rs.26,025/- which he used to earn from his job as a Lance Naik in the Indian Army. The whole-body disability was assessed as 18%,

and compensation was also awarded under various heads, in accordance with law.

6. Aggrieved thereof, the Insurance Company (Respondent No.1 herein) filed an appeal before the High Court, praying that the compensation, as awarded by the Tribunal, was on the higher side.

7. The High Court, *vide* the impugned judgment, partly allowed the appeal and reduced the total compensation to Rs.4,18,708/- along with 10% interest per annum from the date of filing the claim petition. In doing so, the High Court interfered with the Tribunal's finding, which had awarded Rs.13,49,136/- towards loss of future earnings. The High Court observed that the claimant-appellant had not taken premature retirement and that there was no material on record to show loss of promotional prospects. It was further held that the amounts granted under various conventional heads were on the higher side. Consequently, the compensation was revised to Rs.4,18,708/-, as against Rs.19,12,844/- awarded by the Tribunal.

8. Aggrieved by the said reduction, the claimant-appellant has preferred the present appeal seeking enhancement of compensation. It is contended that the High Court erred in removing the compensation awarded towards the loss of future earnings as his employment primarily requires physical fitness, the injuries sustained in the accident have substantially diminished his capacity to effectively discharge his duties. It is further urged that

the High Court was not justified in reducing the amounts awarded under various conventional heads.

9. We have heard the learned counsel for the parties and proceed to decide the matter.

10. Upon due consideration, we are of the view that the High Court was not justified in interfering with the award passed by the Tribunal. The Tribunal had assessed compensation towards loss of future earning capacity on the basis of medical evidence establishing permanent disability and its functional impact on the claimant-appellant. This Court in *Rekha Jain v. National Insurance Co. Ltd*¹ has held that:

“28. This Court is required to keep in mind justice, equity and good conscience which must be the primary, relevant and important aspects for awarding just and reasonable compensation to an unfortunate victim, the appellant herein who has sustained grievous injuries to her body and whose future prospects are completely doomed. Further, the Tribunal and the courts while awarding compensation for bodily injuries, must realise that the possession of one's own body is the first and most valuable of all human rights and that all other possessions and ownership are the extensions of the basic right. Bodily injuries should be equated with the deprivation which entitles a claimant to damages and the amount of damages varies in accordance with the gravity of injuries.

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40. It is well-settled principle that in granting compensation for personal injury, the injured has to be compensated (1) for pain and suffering; (2) for loss of amenities; (3) shortened expectation of life, if any; (4) loss of earnings or loss of

¹ (2013) 8 SCC 389

earning capacity or in some cases for both; and (5) medical treatment and other special damages. In personal injury cases the two main elements are the personal loss and pecuniary loss. Cockburn, C.J. in *Fair case* [*Fair v. London and North Western Railway Co.*, (1869) 21 LT (NS) 326 (QB)] , distinguished the above two aspects thus:

“In assessing the compensation the jury should take into account two things, first, the pecuniary loss the plaintiff sustains by the accident; secondly, the injury he sustains in his person, or his physical capacity of enjoying life. When they come to the consideration of the pecuniary loss they have to take into account not only his present loss, but his incapacity to earn a future improved income.””

11. It is pertinent to note that, at the time of the accident, the claimant-appellant was serving in the Indian Army, a profession which demands highest standards of physical fitness, alertness, and endurance. Any impairment or disability resulting from the said accident is, therefore, not merely a personal affliction but one that has a direct bearing on his ability to effectively discharge his duties. Such an impairment is likely to adversely affect his efficiency, career prospects both in service or thereafter, and overall service capability in a profession where physical robustness is a fundamental prerequisite, thereby justifying compensation as was awarded by the Tribunal.

12. The mere fact that the claimant-appellant continued in service or did not seek premature retirement could not have been determinative of the issue, as loss of earning capacity may subsist

notwithstanding continuation in employment. Likewise, loss of promotional prospects is required to be assessed on reasonable probabilities having regard to the nature of employment and extent of disability, and does not require strict proof. The High Court substantially reduced the compensation on the ground that the amounts awarded were excessive. Such an exercise amounts to re-appreciation of evidence which is beyond the permissible scope of appellate jurisdiction under the Motor Vehicles Act.

13. In view of the attending facts and circumstances of the present case and upon consideration of the material on record, we restore the award as passed by the Tribunal.

14. Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 19,12,844/-	Rs. 4,18,708/-	Rs. 19,12,844/-

15. The Civil Appeal is allowed in the aforesaid terms. The impugned award dated 31st July 2017 passed in MACP No.1425/2016 by the Motor Accident Claims Tribunal, Dwarka Courts, New Delhi, as modified in terms of the impugned order dated 18th October 2024, passed in MAC.APP. No.1038/2017 by the High Court of Delhi at New Delhi, stands modified accordingly. Interest is payable at a rate of 6% per annum.

16. The amount be directly remitted into the bank account of the claimant-appellant by the insurer. The particulars of the bank account are to be immediately supplied by the learned counsel for the claimant-appellant to the learned counsel for the respondent(s). The amount be remitted positively within a period of four weeks, thereafter.

Pending application(s), if any, shall stand disposed of.

.....**J.**
(**SANJAY KAROL**)

.....**J.**
(**NONGMEIKAPAM KOTISWAR SINGH**)

New Delhi;
5th December 2025.