

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

CIVIL APPEAL NO. 7191 OF 2025
(Arising out of SLP(C)No.6950 of 2023)

SREEJITH

... APPELLANT(S)

VERSUS

ABDUL RASHEED & ANR.

... RESPONDENT(S)

ORDER

Time taken for disposal of the claim petition by MACT	Time taken for disposal of the appeal by the High Court	Time taken for disposal of the appeal in this Court
2 years 8 months	6 years 5 months	2 years 3 months

Leave granted.

2. This appeal is directed against the judgment and order dated 26th October 2022, passed in M.A.C.A. No.1060 of 2016 by the

High Court of Kerala at Ernakulam, which, in turn, was preferred against the order dated 25th January 2016 in O.P. (M.V.) No. 207 of 2013 passed by the Motor Accidents Claims Tribunal, Punalur.

3. The brief facts giving rise to this appeal are that on 25th November 2009, the claimant-appellant, aged 22 years, was driving a school bus bearing registration number KL-02V/2822. Upon reaching Ayoor Petrol Pump, a private bus bearing registration number KL-05Q/1190 (*hereinafter referred to as the “offending vehicle”*), driven by Respondent No. 2, Satheesh, in a rash and negligent manner, collided with the school bus from the front side. Consequently, the claimant-appellant suffered grievous injuries, for which he underwent treatment at Sree Gokulam Medical College, and was subsequently shifted to SP Fort Hospital, Thiruvananthapuram. On account of such injuries, the right hand of the claimant-appellant was amputated.

4. A claim petition was filed on behalf of the claimant-appellant under Section 166 of the Motor Vehicle Act, 1988, before the Tribunal, seeking compensation to the tune of Rs.10,00,000/- on the plea of loss of earning of Rs. 7,000/- per month as a bus driver and inability to continue with the same vocation.

5. The Tribunal, *vide* its order, held that Respondent No. 3- Insurance Co., was liable to pay an amount of Rs. 9,04,940/- as compensation to the claimant-appellant, along with interest @ 9% per annum from the date of filing of the claim petition. The Tribunal assessed the monthly income of the claimant-appellant as Rs.5000/- per month on a notional basis, for paucity of any satisfactory evidence. The disability suffered was assessed as 60% of the whole body.

6. Aggrieved thereby, the claimant-appellant filed an appeal before the High Court seeking enhancement of the amount of compensation awarded by the Tribunal.

7. The High Court, *vide* the impugned order, partly allowed the appeal and enhanced the compensation amount by Rs.6,59,580/-, thus, making the total compensation payable as Rs.15,64,520/-, along with interest @ 8% per annum on the enhanced amount. The Court assessed the notional income of the appellant as Rs.7,000/- per month. The Court also awarded additional amounts towards the heads of '*loss of amenities*' and '*loss of earnings*.'

8. Yet dissatisfied, the claimant-appellant is now before us. The significant grounds raised are, incorrect assessment of the

functional loss of income and disability suffered by the claimant-appellant.

9. We have heard the learned counsel for the parties.

10. On the aspect of monthly income of the claimant-appellant, we are inclined to agree with the view taken by the High Court, in determining his income on a notional basis as Rs.7,000/- per month, on the basis of the prevailing minimum wages and occupation of the claimant-appellant, as a bus driver in 2009. Such a finding is, therefore, affirmed.

11. We are inclined to accept the submission of the claimant-appellant *qua* the disability suffered. We cannot agree with the view taken by the Courts below. It is a matter of record that the claimant-appellant was working as a bus driver at the time of the accident. Indisputably, the accident resulted in the amputation of his right hand. It is pertinent to note that due to this condition, he is unable to earn a livelihood and is entirely dependent on others for subsistence. Consequently, we believe that the claimant-appellant should be entitled to a just and reasonable compensation. Therefore, the functional disability suffered by the claimant-appellant must be considered as 100%.

12. We further find that the claimant-appellant is entitled to higher compensation towards other heads as per settled principles of law.

13. As a result of the discussion above, the compensation payable to the claimant-appellant in accordance with law, is as follows:

FINAL COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Medical Expenditure	Rs.50,000/-	Kajal v. Jagdish Chand (2020) 4 SCC 413 Para 19, 25 and 28
Yearly Income	Rs.84,000/-	
Medical Expenses	Rs. 69,338/-	
Future Prospects	84,000/- + 33,600/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59.4
(40% of age 21 years Charges)	7,000/- x 12,600/18 = Rs. 15,12,000/-	
Multiplier (18)	1,17,600/- x 18 = Rs. 21,16,800	
Loss of Income during treatment	Rs.35,000/- = Rs. 21,16,800	Arvind Kumar Mishra v. New India Assurance Co. Ltd. (2010) 10 SCC 214 Para 13 and 14 (2023) 3 SCC 439 Para 89 and 111
Permanent Disability	100% of	
(100%) Diet & Transportation	Rs.30,900/- = Rs. 21,16,800/-	
Loss of Amenities	Rs.1,00,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 3385 Para 13 and 14
Loss of Income/Future Earnings due to Pain and Suffering	Rs.2,00,000/-	
TOTAL	Rs.41,13,138/-	

Thus, the difference in compensation is as under :

MACT	High Court	This Court
Rs.9,04,940/-	Rs.15,64,520/-	Rs.41,13,138/-

14. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 25th January 2016 in O.P. (M.V.) No. 207 of 2013 passed by the Motor Accidents Claims Tribunal, Punalur, as modified in terms of the impugned order dated 26th October 2022, passed in M.A.C.A.No.1060 of 2016 by the High Court of Kerala at Ernakulam stands modified accordingly. Interest is to be paid on such terms as is awarded by the High Court.

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

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

.....J.
(SANJAY KAROL)

**New Delhi;
6th May, 2025.**

**.....J.
(MANOJ MISRA)**