

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.....OF 2025
(@ SLP (C) NO.6562 OF 2022)

PRAVESH ALIAS PRAVESH PAL ...APPELLANT(S)

VERSUS

SATVEER SINGH ALIAS

SATYABIR SINGH & ORS. ...RESPONDENT(S)

ORDER

1. Leave granted.
2. The Appellant before us was employed as a cleaner on a vehicle when he injured both his legs in a motor accident resulting in loss of both his lower limbs below the knee. The Motor Accident Claims Tribunal awarded him an initial compensation of Rs.11,14,000/- (Eleven Lakhs Fourteen Thousand only) vide order dated 24.11.2016. Aggrieved, the Appellant filed an appeal before the High Court being S.B. Civil Misc.Appeal No.1126/2017. By the impugned order dated 29.05.2019, the Rajasthan High

Court has enhanced the compensation to an amount of Rs.25,87,634/- (Twenty Five Lakhs Eighty Seven Thousand Six Hundred and Thirty Four only). Now, the Appellant is before us praying for a further enhancement of compensation.

3. The accident in question occurred on the intervening night of 22.05.2014 and 23.05.2014. The Appellant was aged about 17 years at the time of incident and working on a vehicle with a load of motorcycle parts. The vehicle was being driven in a rash and negligent manner when it dashed into a truck which resulted in injury in both legs of the Appellant. The Appellant has suffered permanent disability to the extent of 85.56% as per the certificate issued by the Medical Board of Doctors and he has undergone amputation of both limbs below the knee.

4. We have heard learned counsels and gone through the material on record.

5. As both the Appellant's limbs have been amputated below the knee, it is submitted that the Appellant requires artificial limbs to enable him to do his daily needs. The High Court granted him Rs.12,00,000/- towards pain and suffering, artificial limb, loss of amenities of life, requirement of an attendant etc. However, this is submitted to be inadequate.
6. It is submitted that Appellant's permanent disability has resulted in 100% loss of earning capacity and he is the sole bread winner of his family. Additionally, documents have been attached by the Appellant which contain the cost quotations from two different companies for two prosthetic limbs. The amount ranges from Rs,4,66,830/- to 8,36,850/-. Therefore, the estimated range starts from around 4 lakhs and goes up till 8 lakhs approximately. Keeping these costs in mind and the fact that artificial limb would require regular replacement every 8 to 10 years, we are of the opinion that he must be awarded a just and reasonable sum for replacement and maintenance of his prosthetic

limbs. We are further cognizant of the fact that the life of a prosthetic limb is around 8 to 10 years, and it requires maintenance and repair from time to time. Considering all these factors, the compensation awarded by the High Court requires enhancement. Considering the cost of replacement every 8 to 10 years, its maintenance and also the number of replacements and in view of the tender age of the appellant, we quantify that a further amount of Rs.35 lakhs (Rupees thirty five lakhs only) be paid to the appellant over and above what has already been paid under the orders of the High Court.

7. In view of the above, the appeal is partly allowed. Further amount of Rs.35,00,000/- (Rupees Thirty Five Lakhs only) inclusive of all interest, in addition to what has been granted by the High Court towards prosthetic limbs and its maintenance, to be paid by the Insurance Company to the appellant within a period of two months.

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

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI;
JANUARY 24, 2025