



Non-Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6544 OF 2024

RIYAS

....Appellant (s)

VERSUS

P. N. SHINOSH & ANR.

....Respondents

JUDGMENT

N.V. ANJARIA, J.

Seeking enhancement in the motor accident compensation, the present appeal is directed against the judgment and award dated 7th January, 2020 passed by the High Court of Kerala, Ernakulam in MACA No. 89 of 2009.

2. The Motor Accident Claims Tribunal, Thrissur, upon an application filed by the injured-claimants under

Section 166 of the Motor Vehicle Act, 1988, awarded a total compensation of Rs. 1,73,000/- together with interest @ 7% p.a. In the appeal, the High Court enhanced it awarding additional compensation of Rs. 5,75,883/- with interest. Further enhancement is pleaded.

3. The case pertains to a 14 years old minor student, who was studying in 7th standard and suffered 77.1% permanent disability on account of the injuries sustained by him in the motor accident. The accident took place on 19.04.2002 at about 12.15 pm. The appellant was travelling with other persons in an auto rickshaw bearing registration No. KL-9K-1413. The said auto rickshaw was hit by a lorry bearing No. KRR-6987. The lorry was owned by respondent No. 1, was driven by respondent No.2, and was insured with respondent No. 3-Insurance Company.

3.1 The Claims Tribunal concluded that the accident occurred on account of rash and negligent driving by the driver of the lorry. The insurance coverage of the said offending vehicle was not in dispute. The insurer was held liable to indemnify the injured with compensation,

which was assessed by the Tribunal to be Rs. 1,73,000/- along with interest. Having been of the view that the compensation awarded by the Tribunal under various heads was low, the High Court proceeded to enhance the same.

3.2 While enhancing the compensation of the appellant from the one awarded by the Tribunal, the High Court applied multiplier of 15. As regards the extent of disability arising out of the injuries sustained, the High Court noted that as per the disability certificate dated 20.11.2019 the disability for the whole body which was assessed by the Medical Board was 77.1%. The permanent disability to the said extent was accepted by the Government Pleader by filing a memo dated 25.11.2019. The Insurance Company also did not raise any objection to the extent disability assessed.

3.3 The monthly income for the injured was taken as Rs. 3,620/-. After adding the future prospects at 40%, applying multiplier of 15 and accounting for the percentage of permanent disability, the additional

compensation was arrived at to be Rs. 4,12,383/-. The bystander expenses awarded by the Tribunal was Rs. 2,750/- which was enhanced to Rs. 3,300/- by the High Court. An additional amount of Rs. 700/- from Rs. 2,200/- to Rs. 1,500/- was awarded towards extra nourishment. The High Court determined the medical expenses to be Rs. 53,250/- solely on the basis of the medical bills (Ext. A10). Rs.30,000/- was awarded towards pain and suffering. The amount towards loss of amenities was enhanced to Rs. 80,000/- from Rs. 8,000/. Rs. 50,000/- was granted towards loss of marriage prospects and a further sum of Rs. 25,000/- towards future treatment, which amount was not to carry interest. All the above sums made to the total additional compensation of Rs. 5,75,883/- with 8% interest.

3.4 In the process of determining the compensation as above, the High Court applied relevant parameters including the law laid down by this Court in **Master Mallikarjun vs. Divisional Manager, National**

Insurance Co. Ltd.¹. In the said case this Court laid down the principles regarding payment of compensation for the injuries sustained by the children resulting into permanent disability.

4. Heard learned advocate Mr. Nishe Rajen Shonker, appearing for the appellant and learned advocate Mr. Varinder Kumar Sharma, for the respondent.

5. Having regard to the facts and circumstances of the case and before considering the rival submission, question of enhancement of the compensation needs to be favourably addressed. In that, a recent decision of this Court dated 11.02.2025 in **Sona (minor) vs. Manual C.M.**² would serve as a guiding precedent. The facts in **Sona (minor) (supra)** were akin to the facts of the present case. The minor aged about 1½ years suffered serious injuries including the brain haemorrhage and fracture of the vertical linear skull in the accident. The victim suffered from the Hemiplegia resulting into 75% permanent

¹ (2014) 14 SCC 396

² Civil Appeal No. 002316 of 2025

disability. This Court applied the parameters laid down in the various decisions of this Court to assess the compensation under various heads.

5.1 Reverting to the facts of the case on hand, the injured minor was 14 years of age and as laid down in the decision in **National Insurance Company Limited vs. Pranay Sethi & Others**³, the High Court rightly applied the multiplier of 15. The assessment of monthly income of Rs. 3,620/- is reasonable. 40% is added towards future prospects and applying the multiplier of 15, it brings the amount of Rs. 9,12,240/-. Multiplying this amount with the extent of disability which is 77.1%, the amount of compensation to be awarded on the said score comes to Rs. 7,03,337.04/-.

5.2 While awarding the medical expenses to the appellant, the High Court has taken the basis of the actual bills, overlooking that the appellant would have incurred miscellaneous amounts towards the medical treatment

³ (2017) 16 SCC 680

during his 22 days stay in the hospital, over and above the actual bills in the nature of out-of-pocket expenses. Furthermore, the appellant would be required to spent towards the medical treatment in future also. Taking into account such considerations, granting Rs. 50,000/- in total towards medical expenses would be proper.

5.3 Furthermore, the appellant would be entitled to the compensation towards the attendant charges which is assessed to be Rs. 40,000/-. Under the head of loss of marriage prospects, Rs. 3 lakhs deserves to be awarded. This is in light of the parameters laid down by this Court in **Kajal vs. Jagdish Chand**⁴. The amount of Rs. 40,000/- towards special diet and transportation is awarded, in view of what is laid down in **Sidram v. Divisional Manager, United India Insurance Ltd.**⁵. In the same way on the basis of law laid down by this Court in **K.S. Muralidhar v. R. Subbulakshmi & Anr.**⁶, the amount of Rs. 3 lakhs is awarded towards pain and suffering. Towards loss of

⁴ (2020) 4 SCC 413 (Para 19 and 25)

⁵ (2023) 3 SCC 439 (Para 89)

⁶ 2024 SCC Online SC 3385 (Para 13 and 14)

amenities, the High Court awarded a just sum of Rs. 80,000/- after considering the nature of injuries and the disabilities.

5.4 Now translating in the tabular form the total compensation as assessed above, the amounts payable shall be as under;

Loss of future earnings or towards disability	Income – 3,620/- Annual Income – 3,620 x 12 = 43,440/- 43,440 + 40% (17,376) = 60,816/- 60,816 x 15 = 9,12,240/- 9,12,240 x 77.1% = Rs. 7,03,337.04/-
Pain and suffering	3,00,000/-
Loss of Amenities	80,000/-
Attendant charges	40,000/-
Loss of marriage prospect	3,00,000/-

Special diet and transportation	40,000/-
Future Medical Expenses	50,000/-
TOTAL	15,13,337.04/-

6. Accordingly, it is held that the appellant would be entitled to total compensation of Rs. 15,13,337/- as rounded of. Resultantly, additional compensation of Rs. 7,64,454/- shall be paid to the appellant with interest at the same rate of 8% from date of filing of application till realisation.

6.1 The respondent No. 3-Insurance Company is directed to pay the additional compensation amount along with interest as above to the appellant by crediting the same in the bank account of the appellant within a period of 8 weeks from today. The acknowledgement/proof of payment to the appellant shall be produced before the Tribunal within one week from payment made as above.

7. The impugned judgement and award of the High Court is modified as above. The appeal stands allowed accordingly.

In view of disposal of the Appeal, Interlocutory application, if any, stands disposed of.

..... J.
K. VINOD CHANDRAN

..... J.
N.V. ANJARIA

**NEW DELHI;
NOVEMBER 10, 2025**