

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

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP (C) No.29251 of 2025)

BAIJU

... APPELLANT(S)

VERSUS

**THE UNITED INDIA INSURANCE
COMPANY, 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
5 years, 11 months, 20 days	10 years, 3 months, 12 days	2 months, 15 days

Leave granted.

2. This appeal is directed against the judgment and order dated 21st June 2024, passed in MACA No. 1293/2014 by High

Court of Kerala at Ernakulam, which in turn, was preferred against the order dated 30th September 2013 passed in OP (MV) No.1941 of 2007 by the Motor Accidents Claims Tribunal, Thrissur.

3. The brief facts giving rise to this appeal are that on 9th August 2007, the claimant-appellant, aged 25 years, was riding as a pillion rider on motorcycle bearing registration no.KL-8-X-160 near Thrissur-Shoranur road. When the motorcycle reached near Safar Hotel, Minalur, an Ambassador car, bearing registration no.KCE-5783 (*offending vehicle*), being driven in a rash and negligent manner dashed into the motorcycle. As a result of the accident, the claimant-appellant suffered grievous injuries and was thereafter admitted to Aswini hospital for treatment.

4. In consequence, FIR was registered against the driver of the offending vehicle under Sections 279, 337, and 338 of the Indian Penal Code 1860 at Wadakkanchery Police Station and the same was numbered as Crime No. 325/2007.

5. A claim petition was filed by the claimant-appellant under Section 166 of the Motor Vehicles Act, 1988, seeking compensation to the tune of Rs.27,04,400/-. It was asserted that he was earning Rs.6,000/- per month from working as a Sales Manager in Portland Distributors and had become incapable of

carry on the said work for having suffered 65% functional disability.

6. The Tribunal, *vide* its order, held the Respondent No.1 herein (*Insurance Company*) liable to compensate the claimant-appellant with an amount of Rs.12,66,600/- along with 7.5% interest per annum. The monthly income of the claimant-appellant, in the absence of corroborative evidence, was presumed to be Rs.4,000/- per month, considering that he was a sales manager by profession. The Tribunal assessed the whole-body disability at 65% and also awarded compensation under various heads, in accordance with law.

7. Aggrieved thereof, the claimant-appellant filed an appeal before the High Court of Kerala at Ernakulam seeking enhancement of the amount of compensation awarded by the Tribunal.

8. The High Court, *vide* the impugned order, partly allowed the appeal and enhanced the total compensation amount to Rs.17,87,360/- along with 7.5% interest per annum from the date of filing of the petition. As such, the High Court reassessed the income of the claimant-appellant as Rs.6,000/- per month but did not interfere with the assessment of the physical-functional disability of the claimant-appellant at 65% as done by the

Tribunal. The multiplier of 18 applied by the Tribunal while granting compensation was also affirmed by the High Court.

9. Yet dissatisfied, the claimant-appellant is now before us. The enhancement of the compensation is sought on the grounds of improper assessment of disability, enhanced income and compensation awarded under the head of pain and suffering and other conventional heads being on the lower side.

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

11. On the aspect of the monthly income of the claimant-appellant, the Tribunal had assessed the same at Rs.4,000/- per month, which was re-fixed by the High Court at Rs.6,000/- per month, having regard to his occupation as Sales Manager. Considering the prevailing minimum wages at the relevant time and the nature of occupation of the claimant-appellant, we find no reason to interfere with the said assessment. Therefore, we affirm the view taken by the High Court of considering his income at Rs.6,000/- per month.

12. Coming to the assessment of the disability suffered by the claimant-appellant, we are in agreement with the concurrent findings returned by the High Court and the Tribunal of determining the same to be 65%. It is a matter of record that the

claimant-appellant was working as a Sales Manager at the time of the accident and the assessment of his disability had been, in our considered opinion, rightly done keeping in view the nature of injuries sustained and the impact on earning capacity.

13. However, the amount of compensation awarded by the Courts below under the heads of attendant charges and pain and suffering, in the facts of the present case, is found to be inadequate. Both the High Court and the Tribunal have fixed a sum that does not commensurate with the gravity of the injuries sustained and the hardships borne by the claimant-appellant. Considering the medical evidence, the prolonged need for care, and the enduring physical and mental anguish, we deem it appropriate to enhance the compensation under the aforementioned heads, as a result the compensation under the heads of pain and suffering and attendant charges is re-fixed at Rs.3,00,000/- each.

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

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.6,000/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 42 and 59</i>
Yearly Income	Rs.72,000/-	
Future Prospects (40%)	72,000/- + 28,800/- = Rs. 1,00,800/-	
Multiplier (18)	1,00,800 X 18 = Rs. 18,14,400/-	
Permanent Disability (65%)	65% of 18,14,400/- = Rs.11,79,360/-	<i>Arvind Kumar Mishra v. New India Insurance Co. Ltd.,</i> (2010) 10 SCC 254 <i>Para 13 and 14</i>
Loss of Income/Future Earnings due to Disability	Rs.11,79,360/-	
Medical Expenses	Rs.1,31,500	<i>Kajal v. Jagdish Chand</i> (2020) 4 SCC 413 <i>Para 21, 25, 28 and 29</i>
Attendant Charges, Conveyance and Other Incidental Charges	3,00,000/-	
Future Medical Expenses	Rs.60,000/-	
Pain and Suffering	Rs.3,00,000/-	<i>K.S Muralidhar v. R. Subbulakshmi and Anr.</i> 2024 SCC Online SC 3385 <i>Para 13 and 14</i>
Special Diet and Transportation	Rs.35,000	<i>Sidram v. Divisional Manager, United India Insurance, Ltd.</i> (2023) 3 SCC 439

		<i>Para 89</i>
Loss of Income during treatment	Rs.36,000/-	<i>Raj Kumar v. Ajay Kumar</i> <i>(2011) 1 SCC 343</i> <i>Para 6</i>
Loss of Amenities	Rs.2,00,000/-	
TOTAL	Rs.22,41,860/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 12,66,600/-	Rs. 17,87,360/-	Rs.22,41,860/-

15. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 30th September 2013 in OP (MV) No. 1941 of 2007 passed by the Motor Accident Claims Tribunal, Thrissur, as modified in terms of the impugned order dated 21st June 2024, passed in MACA No. 1293/2014 by High Court of Kerala at Ernakulam, stands modified accordingly. Interest is to be paid as awarded by the Tribunal.

16. 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 claimant-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)

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

New Delhi;
28th November, 2025.