



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

CIVIL APPEAL NOS. _____ OF 2025
(@ SPECIAL LEAVE PETITION (C) NO(S).22050-22051 OF 2023)

LOKESH B

...APPELLANT(S)

VERSUS

**SURYANARAYANA RAJU
JAGGARAJU & ANR.**

...RESPONDENT(S)

J U D G M E N T

ARAVIND KUMAR, J.

1. Leave granted.
2. These appeals have been filed assailing the common judgment and order dated 02.08.2021 passed by the High Court of Karnataka at Bengaluru in MFA Nos. 5356/2018 (MV) and 3155/2018 (MV), arising from the award dated 20.02.2018 passed by the Motor Accident Claims Tribunal, Bengaluru (MVC No. 8056/2016). By the impugned judgment, the High Court partly allowed the appeal preferred by the insurer, dismissed the claimant's appeal for enhancement, and modified the quantum of compensation while

affirming the finding of 20% contributory negligence on the part of the claimant.

3. The accident occurred on 19.11.2016 at approximately 6:00 a.m. on the Peenya flyover, Bengaluru. The appellant, aged 38 years and engaged in the tailoring business, was driving an Omni car bearing registration KA-52-M-4021 when it collided with lorry (AP-04-TX-4507), allegedly parked in the middle of the flyover without indicators or reflective caution. The appellant sustained grievous head and bodily injuries, including skull fractures, frontal hemorrhage, optic nerve trauma with resultant visual impairment, and bilateral wrist fractures. He was first treated at Premier Sanjeevini Hospital and later hospitalized at Sparsh Hospital from 19.11.2016 to 05.12.2016.

4. The Tribunal determined the appellant's monthly income at ₹8,000/, applied the multiplier of 15 (age 38), assessed disability at 35%, and by adding 50% of his income towards loss of future prospects, awarded a total compensation of ₹17,01,140/- which was reduced to ₹13,60,912/- after applying 20% deduction for contributory negligence. On appeal, the High Court revised the income to ₹9,500/- but omitted future prospects, retained disability at 35%, and awarded ₹16,74,640/-. After applying 20% deduction towards contributory negligence, the net amount awarded was ₹13,44,712/-. Hence, these appeals.

5. The learned counsel for the appellant fairly submitted that the finding of 20% contributory negligence is not pressed and said finding may be affirmed. The concession is recorded and, having considered the circumstances of the case, we find no reason to disturb conclusion so arrived at by courts below.

6. The only issue that arises for our consideration is whether the High Court erred in excluding future prospects and adopting a lower percentage of disability, thereby resulting in less compensation being awarded. We find merit in the appellant's submission on both counts.

7. The monthly income of ₹9,500/-, as fixed by the High Court is accepted by both sides during the course of hearing, is affirmed. Though the appellant is self-employed, the law is now well settled that such claimants are entitled to future prospects. In *Santosh Devi v. National Insurance Company Limited and Others*,¹ this Court extended future prospects to self-employed persons. In *National Insurance Company Limited v. Pranay Sethi and Others*,², this view was reiterated. We therefore add 40% towards future prospects.

8. As regards disability, the evidence of PW3 Dr. Prathibha Sharan, Neuropsychologist from NIMHANS, who assessed neuro-behavioural and

¹ (2012) 6 SCC 421

² (2017) 16 SCC 680

cognitive disability at 41.77% using validated testing (NIMHANS Battery), was neither rebutted nor doubted. There was no contrary medical evidence. The Tribunal and High Court adopted 35% without any reasoning. We therefore take the functional disability at 41.77%.

9. The recalculated compensation for loss of future earning capacity is as follows:

Sl. No.	Particulars	Calculation	Amount (₹)
1.	Monthly Income	Not Applicable	9,500/-
2.	Add: 40% Future Prospects	9,500/- + 40%	13,300/-
3.	Annual Income	13,300/- × 12	1,59,600/-
4.	Multiplier	Age 38 → 15	—
5.	Disability	41.77%	—
6.	Loss of Future Earnings	1,59,600/- × 15 × 41.77%	9,99,974/-

10. The other heads of compensation awarded by the High Court are maintained. Accordingly, the total revised computation would be as follows:

Head of Compensation	Amount (₹)
1. Loss of Future Earning Capacity	9,99,974/-
2. Medical Expenses	8,18,140/-
3. Pain and Suffering	75,000/-
4. Attendant & Conveyance	20,000/-
5. Loss of Income During Treatment	38,000/-
6. Loss of Amenities	1,25,000/-
Total Compensation	20,76,114/-
Less: 20% Contributory Negligence	(4,15,223/-)
Net Payable	₹16,60,891/-

11. Accordingly, the impugned judgment dated 02.08.2021 is modified to the extent above. The total compensation payable to the appellant stands enhanced to ₹16,60,891/-, which shall carry interest at the rate of 6% per annum from the date of claim petition till payment or deposit whichever is earlier. The enhanced amount, after deducting sums already paid, shall be deposited by M/s Shriram General Insurance Co. Ltd., within six (6) weeks from today before the jurisdictional tribunal and shall be disbursed to the appellant forthwith.

12. The Registry is directed to forward a copy of this judgment to the Motor Accident Claims Tribunal, Bengaluru, and the Registrar General of the High Court of Karnataka for appropriate compliance and record.

13. Accordingly, the present appeals stand disposed of, no order as to costs, all pending applications, if any, stand disposed of.

....., J.
[SUDHANSHU DHULIA]

....., J.
[ARAVIND KUMAR]

**New Delhi;
August 06, 2025**