2025 INSC 1320

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(Arising out of SLP (C) No. 14729 of 2025)

RESHMA … APPELLANT(S)

VERSUS

DAJIBA KRISHNA LAD & ANR. … RESPONDENT(S)

O R D E R

Time taken for the disposal of the claim petition	**Time taken for the disposal of the appeal by the High Court**	**Time taken for the disposal of the appeal in this Court**
1 year, 5 months, 7 days	5 years, 11 months, 29 days	7 months, 8 days

Leave granted.

2. The claimant-appellant before us lays challenge to the judgment passed by the High Court of Karnataka, Bench at Dharwad dated 24.09.2024 which, in turn, was preferred against

the award dated 04.12.2017 passed by the XI Addl. District & Sessions Judge & Addl. MACT, Belagavi in MVC No.1320/2016.

3. Certain facts are not in dispute viz., ***(a)*** the claimant-appellant namely Reshma, having sustained injuries in a motor vehicle accident, subject matter of the present *lis*; ***(b)*** the vehicle stood insured by the insurer namely New India Assurance Company Limited; ***(c)*** claimant-appellant's entitlement for compensation; and ***(d)*** cause of accident being rash and negligent acts of driving the vehicle on the part of the respondent no.1.

4. We have heard learned counsel for the parties who have ably assisted the Court in the present matter.

5. With the aforesaid undisputed facts, we proceed to decide the matter.

6. The claimant-appellant at the time of the accident was 24 years of age. The Tribunal, *vide* order dated 04.12.2017, held that the accident occurred due to the rash and negligent driving of the offending vehicle bearing registration No.MH-09/BB-1565. Taking the income of the claimant-appellant to be at Rs.10,000/-, awarded compensation amounting to Rs.30,24,800/- with interest @9% per annum to the claimant-appellant herein.

7. Thereafter, the High Court, while allowing the claimant-appellant's appeal for enhancement, reassessed her income to be Rs.9,000/-, and increased the amount awarded towards the head of future prospects to the tune of 40%. Therefore, the amount of compensation was enhanced by Rs.5,61,600/- along with interest @6% from the date of filing of the petition. In effect, the total compensation stood increased from Rs.30,24,800/- to Rs.35,86,400/-. Yet dissatisfied, the claimant appellant has carried the matter in an appeal before us.

8. The instant case is one of those where, solely for the reason of negligence exhibited by one party, the other suffers grave, life-altering consequences. The accident that rendered the claimant-appellant severely disabled took place in the broad daylight on the unfortunate morning of 23.02.2015 at 11:45 AM. The Tribunal, in paras 15 -19 of its award, discussed the nature of injuries suffered, both physical and mental, and correctly in our view, assessed the disability of the claimant-appellant to be 100%.

9. The challenge to the amount of compensation awarded by the High Court is on the grounds that the income of the claimant-appellant has been reduced by Rs.1,000/-; no compensation was awarded under the head of marriage prospects; disfigurement; grossly insufficient compensation has been awarded under the heads of attendant charges; and future

medical expenses. Interest has been sought at the enhanced rate of 12% per annum as per ***Jiju Kuruvilla & others vs. Kunjujamma Mohan & others***[1]**.**

10. We find force in the case set up by the claimant-appellant. The object of just compensation, as has been discussed in numerous judgments, is to restore, as far as possible, the claimant-appellant to a position where the accident would not have taken place and they would not be negatively affected in life. Cases such as the present one highlight the limits of just compensation, for it cannot be disputed that no amount of money will bring the claimant-appellant back to the time where she would be able to live a life on her own terms, being duly entitled to dream of and make efforts for a glorious future.

11. We are of the considered view that the Tribunal, as also the High Court, in the facts and circumstances of the present case, have awarded appropriate and just compensation.

11.1. The High Court assessed the income of the claimant-appellant @Rs.9,000/- per month in the absence of any oral or documentary evidence

11.2. A 24-year-old female's entire life has been turned upside down because of the disaster that has befallen on the claimant-appellant and her family. All

1 (2013) 9 SCC 166

wants and desires have forever been crushed and extinguished; this may very well include prospects to lead a happy marital life. Although no particular calculation can be prescribed for such a loss, given its non-pecuniary nature, we follow this Court's pronouncement in ***Kajal v. Jagdish Chand***[2], wherein a 12-year-old girl had suffered grievous injuries leading to brain damage and the Courts while considering the head of marriage prospects, awarded a sum of Rs.3,00,000/-. The accident in that case took place in 2007 whereas in the present case, it was in the year 2015. Under this head, therefore, compensation is awarded to the tune of Rs.4,00,000/-.

11.3. Given the nature of the injuries suffered by the claimant-appellant *(85% mental disability and 45% physical disability to lower left limb*) we are of the opinion that the compensation awarded by the Courts below, under the head of attendant charges, is severely inadequate. In ***Kajal*** (supra), attendant charges were assessed at Rs.5,000/- per month, which were awarded as per the multiplier applicable. In ***Abhimanyu Partap Singh v. Namita Sekhon***[3]**,** considering severe injuries like "*cerebral*

2 (2020) 4 SCC 413
3 (2022) 8 SCC 489

oedema/brain oedema, fracture right part of temporal bone, spinal cord, lower limbs, due to which he was having loss of speech, convulsions, injuries on face. The lower limb of the claimant was completely paralysed resulting into 100% disability; his hope to live blissful life was lost due to those injuries", this Court deemed it appropriate to grant attendant charges for two attendants instead of one. The present case is also a fit one to award the attendant charges for two attendants. As such the attendant charges for 24 hours amounting to Rs.10,000/- per month x 2 = Rs.20,000 x 12 x 18 = Rs.43,20,000/-

11.4. Under pain and suffering, the Courts below awarded Rs.2,00,000/-. We may only ask, what else does a claimant have to suffer to be awarded a fair amount under this head? Taking a cumulative view of the circumstances, as also the compensation as enhanced by this Court in the above terms, we award a sum of Rs.5,00,000/-.

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

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.9,000/-	
Yearly Income	Rs.1,08,000/-	
Future Prospects (40%)	1,08,000/- + 43,200/- = Rs. 1,51,200/-	***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680 *Para 42 and 59*
Multiplier (18)	1,51,200/- X 18 = Rs. 27,21,600/-	
Permanent Disability (100%)	100% of 27,21,600/- = Rs.27,21,600/-	***Arvind Kumar Mishra v. New India Insurance Co. Ltd.,*** (2010) 10 SCC 254 *Para 13 and 14*
Loss of Income/Future Earnings due to Disability	Rs.27,21,600/-	
Attendant Charges	43,20,000/- (10000/-x 2 x 12 x 18) For 2 Attendants	***Abhimanyu Pratap Singh v. Namita Sekhon,*** (2022) 8 SCC 489 *Para 23*
Medical Expenses	4,14,769/-	***Kajal v. Jagdish Chand*** (2020) 4 SCC 413 *Para 19, 25 and 28*
Conveyance, other incidental charges	25,000/-	
Future Medical Expenditure	25,000/-	
Marriage Prospects	4,00,000/-	
Pain and Suffering	5,00,000/-	***K.S. Muralidhar v. R. Subbulakshmi and Anr.*** 2024 SCC Online SC

		3385 *Para 13 and 14*
Loss of Amenities	1,00,000.-	***Raj Kumar v. Ajay Kumar*** (2011) 1 SCC 343 *Para 6*
TOTAL	Rs. 85,09,369/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs.30,24,800/-	Rs.35,86,400/-	Rs.85,09,369/-

13. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 04.12.2017 passed in MVC No.1320/2016 by the XI Addl. District & Sessions Judge & Addl. MACT, Belagavi, as modified in terms of the impugned order dated 24.09.2024 in Miscellaneous First Appeal No.102764 of 2018 passed by the High Court of Karnataka, Dharwad Bench, stands modified accordingly. Interest is to be paid on such terms as it is awarded by the High Court from the date of filing of the original claim petition.

14. The amount be directly remitted to 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(s). The amount be remitted positively before 30th November, 2025.

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

…..……J.
(SANJAY KAROL)

…….…….. ……J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
October 14, 2025