2025 INSC 1218

Non-Reportable

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.   of 2025
(@ Special Leave Petition (C) No.7840 of 2020)

Ramar

....Appellant

Versus

The Divisional Manager,
National Insurance Company Limited & Anr.

....Respondents

O R D E R

1. Leave granted.

2. The above appeal is filed from the order of the High Court, which modified the compensation awarded by the Tribunal and reduced it from Rs.31,80,350/- to Rs.20,65,000/-. Notice was issued only on the issue of computation of the monthly income and attendant charges.

3. The accident occurred on 05.01.2013, while the petitioner was standing by the side of the road when a lorry driven rashly and negligently hit the petitioner. Suffice, it to notice that the petitioner suffered grievous injuries and his right leg was amputated from the thigh and his left leg was crushed, paralyzing it. A functional disability of 100% was assessed by the Doctor who was examined before the Tribunal. PW4, the Doctor who treated the claimant was examined, which oral evidence coupled with the hospital records produced as Ex. P1, P5 and X7 proved the amputation of the right leg and the crush injury caused to the left leg, beyond doubt. PW5 was the Doctor who deposed on the 100% disability caused by the amputation of the right leg and the paralysis caused to the left leg.

4. The Tribunal took the income of the petitioner at Rs.11,000/- per month and awarded a total compensation of Rs.17,16,000/-, applying the multiplier of 13. The High Court, however, reduced the same to Rs.6,500/- finding that in a similar circumstance in ***Syed Sadiq Etc. v. Divisional Manager, United India Insurance Company Limited***[1], this Court had adopted such income alone. Addition of 25% in

[1] (2014) 2 SCC 735

accordance with ***National Insurance Company v. Pranay Sethi***[2] was also granted, thus determining compensation for loss of income at Rs.14, 62,500/-.

5. One of the issues on which notice was issued was the determination of monthly income. We notice that ***Syed Sadiq***[1] was a case in which there was no evidence led regarding the income, in which circumstance this Court had adopted an income of Rs.6,500/- for a vegetable vendor that too in the year 2008. In the present case, the accident occurred in the year 2014 and the claimants' contention was that the deceased was a loading and unloading worker engaged by PW6, who testified that the petitioner would earn between Rs.600 to 1000/- per day. PW7 was a person working along with him as a loading unloading worker, who also spoke in tandem with PW6. Even if we accept the maximum of the daily wages as spoken of by PW6, it is evident that the total monthly wages claimed is only for 15 days work, i.e., Rs.15,000/-. Considering the overall circumstances, we are of the opinion that the

[2] (2017) 16 SCC 680

income adopted at Rs.11,000/- by the Tribunal is perfectly in order. The compensation for loss of future income and that for income during treatment period has to be retained as awarded by the Tribunal.

6. However, we have to notice that there is no appeal filed from the order of the Tribunal by the claimant, despite the fact that he had a claim for future prospects, which stood declined by the Tribunal. The High Court had while reducing the income considerably awarded future prospects at the rate of 25%. The further appeal now filed by the claimant is against the order of the High Court in the appeal by the Insurance Company. The appellant hence cannot claim any further enhancement than that granted by the Tribunal, nor seek for addition of future prospects.

7. The further contention is with respect to attendant charges, which the Tribunal had adopted on the basis of the minimum wages for an unskilled worker computed for 13 years; being the multiplier applied. The High Court had reduced it to Rs.1,50,000/-. We are of the opinion that neither the Tribunal was correct in computing the attendant charges on the basis of a regular attendant employed, nor had the High Court offered any reasoning in arriving at Rs.1,50,000/. However, considering the fact that the petitioner has lost use of his lower limbs, the attendant charges could be computed at Rs.3,00,000/-.

8. Details of modified compensation read as follows:

Compensation for Loss of Income	Rs.17,16,000/-
Future medical expenses	Rs.1,00,000/-
For attendant charges	Rs.3,00,000/
For pain and suffering	Rs.2,00,000/-
For loss of amenities and happiness	Rs.65,000/-
For loss of income during treatment period	Rs.55,000/-
For transport expenses	Rs.25,000/-
For extra nourishment	Rs.25,000/-
Total	**Rs.24,86,500/-**

9. With the above modifications on the determination of monthly income, and attendant charges, we are partially restoring the order of the Tribunal, retaining the amounts awarded by the High Court on the other heads.

10. The appeal stands partly allowed with the above-said modifications. The awarded amounts shall be paid after deduction of any amounts already paid with interest @ 7.5% as directed by the Tribunal, commencing from the date of application within a period of three weeks.

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

.. J.
(K. VINOD CHANDRAN)

.. J.
(N.V. ANJARIA)

NEW DELHI;
SEPTEMBER 26, 2025.