



2026 INSC 354

NON-REPORTABLE

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

**CIVIL APPEAL NO.1702 OF 2026
(@ SLP (C) NO.19981 OF 2025)**

AHSAN

APPELLANT

VERSUS

SHAMBHU LAL VAISHNAV AND ORS.

RESPONDENTS

ORDER

ATUL S. CHANDURKAR, J.

1. Leave granted.
2. The appellant is aggrieved by the partial enhancement in the amount of compensation granted to him vide judgment dated 05.05.2025 passed by the learned Single Judge of the Rajasthan High Court¹ in S.B. Civil Miscellaneous Appeal No.1424 of 2008.
3. On 15.11.2005, when the appellant was travelling on his

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ANITA MALHOTRA
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Motor, the first respondent gave him a dash with the car that

¹ For short, the High Court

was alleged to have been driven rashly and negligently by him. The said car was owned by the second respondent and insured with the third respondent. As a result of the said accident, the appellant suffered head injury which resulted in paralysing his body. The appellant approached the Motor Accident Claims Tribunal² seeking compensation of an amount of ₹20,54,000/- from the driver of the vehicle, its owner and the insurance company under Section 166 of the Motor Vehicles Act, 1988³.

4. In support of his claim, the appellant examined three witnesses and produced various documents. The respondents did not adduce any evidence whatsoever. Vide award dated 04.10.2007, the Claims Tribunal awarded compensation in the following manner:

Head of Compensation	Granted by Tribunal
Permanent Disability	₹3,82,464/- (16 x 2400 x 12 x 83/100)
Simple injuries	₹7,000/-
One grievous injury	₹5,000/-
Transportation, diet and other relevant expenses during treatment	₹9,000/-
Reimbursement of medical expenses	₹52,876/-
Total	₹4,56,340/-

² For short, 'the Claims Tribunal'

³ For short, the Act

5. The appellant, not being satisfied with the award of compensation of ₹4,56,340/- by the Claims Tribunal, preferred appeal under Section 173 of the Act. The High Court, after reappreciating the evidence on record, was pleased to enhance the amount of compensation by ₹3,88,780/- in the following manner:

Head of Compensation	Granted by High Court
Annual income (100% disability)	₹2400/- x 12 x 16 = ₹4,60,800/-
Future prospects (+) 40%	₹1,84,320/-
Pain & Suffering/Special Diet (+)	₹1,00,000/-
Attendant Charges/Future Treatment (+)	₹1,00,000/-
Total	₹8,45,120/-
Already Awarded Amount (-)	₹4,56,340/-
Enhanced amount of compensation	₹3,88,780/-

5.1. Not being satisfied with the partial enhancement in the amount of compensation, the appellant has preferred the present appeal.

6. Mr. Arjun Garg, learned counsel for the appellant submitted that the annual income of the appellant has been assessed on

the lower side notwithstanding the fact that the appellant was earning an amount of ₹6,000/- per month. He submitted that the appellant having suffered 100% disability, the said aspect was required to be borne in mind while awarding just compensation. Even the age of the appellant was taken on a higher side as 35 years despite the fact that the appellant was aged about 26 years when the accident took place. Similarly, under other heads such as pain and suffering, attendant charges as well as loss of income, lesser amounts had been awarded. It was, thus, submitted that the appellant having claimed fair amount of compensation in his claim petition, that amount ought to be awarded to him.

7. On the other hand, Mr. Aditya Kumar, learned counsel appearing for the insurance company supported the impugned judgment. According to him, the High Court determined fair amount of compensation on the basis of evidence led by the appellant. There is no scope for any further enhancement in the amount of compensation. The age of the appellant was rightly taken as 35 years since that was the age mentioned in his discharge tickets. There was no evidence whatsoever to hold that

the appellant was earning ₹6,000/- per month. The income of ₹2,400/- per month which was the minimum income for a skilled labour was thus rightly taken. It was, therefore, submitted that there is no scope whatsoever for any further enhancement in the amount of compensation. The appeal is, thus, liable to be dismissed.

8. We have heard the learned counsel for the parties and have perused the documents on record. Having given due consideration to the manner in which the amount of compensation has been determined by the Courts below, we find that insofar as the notional income of the appellant is concerned, the same has rightly been taken at ₹2,400/- per month since that was the prevalent minimum income for skilled labour in 2005 when the accident took place. The appellant could not place any material on record to justify his claim that he was earning ₹6,000/- per month.

8.1. As regards application of the multiplier of 16 is concerned, the same is in accordance with the age of the appellant which has been taken to be 35 years, the same being mentioned in his discharge ticket at Exhibit 11.

8.2. The appellant has been awarded a sum of ₹52,876/- towards reimbursement of medical expenses on the basis of documentary evidence. Since the appellant was aged 35 years when the accident took place, the provision towards future medical expenses considering average life expectancy deserves to be granted as ₹7,00,000/-.

8.3. Insofar as attendant charges are concerned, the High Court has granted an amount of ₹1,00,000/- under this head. In our view, this amount is on the lower side especially in view of the fact that the appellant suffers from functional disability to the extent of 100%. The nature and extent of his disability would require performing his daily activities with the aid of attendants. On the rough estimate of ₹3,500/- per month towards attendant charges, the annual expenditure under that head would be ₹42,000/-. With the multiplier of 16, the amount payable towards attendant charges would be ₹6,72,000/- (₹42,000 x 16).

8.4. An amount of ₹2,00,000/- is also found admissible for loss of amenities. The High Court has not awarded any amount under this head. Thus, enhancement in the amount of compensation from that as granted by the High Court would be as under:

<u>Enhancement in the amount of compensation payable</u>		
S.No.	Particulars	Amount
A.	Annual Income (₹ 2400 x 12)	₹28,800/-
B.	Loss of Earning Capacity (100%)	₹28,800/-
C.	Loss of Future Income (B x Multiplier "16")	₹4,60,800/-
D.	Loss of Future Income with Future Prospects @ 40% (C + ₹ 1,84,320/-)	₹6,45,120/-
E.	Medical Expenses Reimbursement	₹52,876/-
F.	Future Medical Expenses	₹7,00,000/-
G.	Attendant Charges (₹ 3500 x 12 x 16)	₹6,72,000/-
H.	Pain and Suffering	₹1,00,000/-
I.	Loss of amenities	₹2,00,000/-
Total		₹23,69,996/-

9. In the aforesaid manner, we find that the appellant would be entitled to further enhancement in the amount of compensation from what has been assessed by the High Court. Thus, the total compensation now payable to the appellant would be ₹23,69,996/-. The enhanced amount of compensation shall carry interest @ 6% per annum from the date of filing the claim petition before the Claims Tribunal till realization of the said amount. The enhanced compensation be paid to the appellant within a period of twelve weeks from today. If the details of the appellant's bank

account are available with the Claims Tribunal, the amount be credited therein accordingly. The Civil Appeal is allowed in aforesaid terms with no order as to costs. Pending application(s), if any, shall also stand disposed of.

.....J.
[RAJESH BINDAL]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
FEBRUARY 17, 2026.