

# Jitendra vs Sadiya on 7 February, 2025

**Author: Sanjay Karol**

**Bench: Prashant Kumar Mishra, Sanjay Karol**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

2025 INSC 166

CIVIL APPEAL NO. 2209 OF 2025  
(Arising out of SLP(C)No.575 of 2025)

JITENDRA

... APPELLANT(S)

VERSUS

SADIYA & ORS.

... RESPONDENT(S)

## ORDER

Time taken for Time taken for Time taken for disposal of the claim disposal of the disposal of the appeal petition by MACT appeal by the High in this Court Court 5 years 8½ months 2 years 12 months Leave granted.

2. This appeal is directed against the judgment and order dated 21 st August, 2023 in Misc. Appeal No.1803 of 2021 passed by the High Court of Madhya Pradesh, which in turn was preferred against the judgment and order dated 21 st June, 2021 passed in Claim Case No.1200314 of 2016 by the 4 th Additional Member, Motor Accident Claims Tribunal, Indore.

3. The brief facts giving rise to this appeal are that on 25 th September, 2016 at 8:45 p.m., the Claimant-Appellant, aged 25 years, was extracting soybean from the thresher machine installed in the tractor of Respondent No.1. The driver of the Date: 2025.02.07 tractor, Respondent No.2, reversed the vehicle in a rash and negligent manner, due to which the Claimant-Appellant's hand went into the thresher machine and, thus, he suffered serious injuries on his hand, shoulder, head, near the ear and other parts of the body. Subsequently, he was taken to Sanyog Hospital in Indore, and upon treatment, his hand was amputated below the elbow.

4. In connection with this incident, on 4th October, 2016, an FIR was lodged against the driver of the offending vehicle – Respondent No.2 at Police Station Depalpur under Sections 279, 337, 338 and 287 of the Indian Penal Code.

5. The Claimant-Appellant filed an application for compensation under the Motor Vehicle Act, 1988, seeking compensation to the tune of Rs.20,00,000/-, submitting therein that he is the only earning member of his family and due to the amputation, he is unable to carry out his daily routine. He submitted that he was working as a labourer, earning Rs.9,000/- per month at the time of the accident.

6. The Tribunal, by its Judgment and Order, held that the insurance company was liable to pay an amount of Rs.3,76,090/- along with interest @ 6% considering 20% permanent disability suffered by the Appellant and took the Appellant's income as Rs. 60,000/- per annum on the basis of notional income.

7. Being aggrieved with the amount of compensation awarded, the Claimant- Appellant filed an appeal before the High Court on the ground that the Tribunal has incorrectly appreciated the following heads:

a. The permanent disability suffered by the Appellant; b. Future prospects, and c. Expenses incurred during the treatment.

8. The High Court, vide the impugned order, enhanced the amount awarded to the Claimant-Appellant with an additional sum of Rs.2,85,600/- towards compensation totalling up to Rs.6,61,690/-. The High Court enhanced the percentage of disability suffered to 40% and as such, the compensation awarded by the High Court was as under:

CALCULATION OF COMPENSATION Monthly Income 5000 Yearly Income 5000 x 12 = 60,000/-

Future Prospects (40%) 60,000 + 24,000 = 84,000/-

Multiplier (17)	84,000 x 17 = 14,28,000
Permanent Disability (40%)	14,28,000 x 40% = Rs. 5,71,200/-
Loss of Income during treatment	5000 x 4 = 20,000
Medical Expenses	5490
Pain and Suffering, Special Diet, Attendant Charges & Conveyance	Rs. 40,000/-
Artificial Hand	Rs. 25,000/-
Total	Rs. 6,61,690/-

9. Yet dissatisfied, the Claimant-Appellant is now before us. The significant points of challenge are as follows:

a. As per the certificate issued by PW2, he has suffered 60% permanent disability, leading to 100% functional disability as he is unable to undertake his occupation as a

labourer.

b. His income should be ascertained more than Rs.5000/-, as the minimum wage itself was Rs.6,850/- in 2016.

10. We have heard the learned counsel for the Appellant. We are unable to agree with the view taken by the Tribunal and High Court on the income of the Appellant and the functional disability suffered by him. At the outset, we must refer to the exposition of this Court in Gurpreet Kaur and Ors. v. United India Insurance Company Ltd. and Ors.<sup>1</sup>, wherein it was stated the notifications under the Minimum Wages Act can be a guiding factor in cases where there is no evidence available to evaluate monthly income.

11. Adverting to the facts at hand, the minimum wage prevalent in the area for unskilled workers was Rs.6850/-, annexed as Annexure P1. In view of the above exposition of this Court, we are inclined to accept this submission of the Appellant.

On the aspect of his functional disability, this Court recognises that due to the amputation of his right hand, his ability to work as a labourer would be significantly hampered. Therefore, in the interest of justice, we deem it appropriate to increase the percentage of functional disability to 80%.

12. As a result of the discussion above, the compensation now payable to the Claimant- Appellant is itemised as under:

**FINAL COMPENSATION Compensation Heads Amount Awarded In Accordance with:**

Monthly Income	Rs.6,850/-	National Insurance Co.
Yearly Income	6850 x 12 = Rs.82,200/-	v. Pranay Sethi
Future Prospects (40%)	Rs.32,880/-	(2017) 16 SCC 680
Multiplier (17)	1,15,080 x 17 = Rs.20,71,440/-	Para 42 & 59
Permanent Disability (80%)	Rs.16,57,152/-	Kajal v. Jagdish Chand
Medical Expenses	Rs.10,000/-	(2020) 4 SCC 413
Attendant Charges	6850 x 17 = Rs.1,16,450/-	Para 19 and 25
Special Diet & Transportation	Rs.40,000/-	Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439
		Para 89
Pain and Suffering	Rs.2,00,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 338
		Para 13 and 14

Loss of Income during treatment

Rs.6850/-

Raj Kumar v. Ajay  
Kumar

1 2022 SCC Online SC 1778

(2011) 1 SCC 343  
Para 6

Artificial Hand  
TOTAL

Rs.25,000/-  
Rs.20,55,452/-

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Thus, the difference in compensation is as under:

MACT  
Rs.3,76,090/-

High Court  
Rs.6,61,690/-

This Court  
Rs.20,55,452/-

13.The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 21st June, 2021 passed in Claim Case No.1200314 of 2016 by the 4 th Additional Member, Motor Accident Claims Tribunal, Indore as modified in terms of the impugned order, stands further modified to the above extent. Interest is to be paid as awarded by the Tribunal.

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

.....J. (SANJAY KAROL) .....J. (PRASHANT KUMAR  
MISHRA) New Delhi;

February 7, 2025.