

Hare Krushna Mahanta vs Himadri Sahu on 7 February, 2025

Author: Sanjay Karol

Bench: Prashant Kumar Mishra, Sanjay Karol

2025 INSC 165

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2204 OF 2025
(Arising out of SLP(C)No.5541/2023)

HARE KRUSHNA MAHANTA

... APPELLANT (

VERSUS

HIMADARI SAHU & ANR.

... RESPONDENT (

ORDER

Time taken for disposal Time taken for disposal Time taken for disposal of the claim petition by of the appeal by the of the appeal in this MACT High Court Court 3 years 3 years 2 years 2 months Leave granted.

2. This appeal is directed against the Judgment and Order dated 4th April, 2022 in MACA No.954 of 2019 passed by the High Court of Orissa at Cuttack, which in turn was preferred against the Judgment and Order dated 13 th December, 2019 passed in MAC No.77 of 2016 by the 2nd Additional District Judge-cum-3rd Motor Accident Claims Tribunal, Cuttack.

3. The brief facts giving rise to this appeal are that on 6 th December, 2016, the Claimant-Appellant, aged 51 years, working as a Primary School Teacher at Kadodihi, was returning from the school on his motorcycle bearing No.OR-14-V-6869 with his colleague, namely, Sabita Mahanta, riding on the extremely left side of the road. The offending vehicle bearing No.OR-19-M-4347, coming from the opposite direction of the road, driving rashly and negligently, dashed into the Claimant-Appellant from the front, thus injuring him seriously. He was taken to Lahunipada CHC for treatment and was, then, shifted to Kaling Hospital Pvt. Ltd., Chandrasekharpur, Bhubaneswar, where he was treated from 7th December, 2013 to 22th December, 2013. Subsequently, he also got treatment at ISPAT General Hospital, Rourkela. During treatment, the Claimant-Appellant underwent surgery, and a nail was inserted in his right leg.

4. In connection with this incident, FIR No.100/2013 was registered under Sections 279, 337, 338 of the Indian Penal Code by the husband of the other injured person, Sabita Mahanta, at IIC, Lahunipada Police Station.

5. The Claimant-Appellant filed an application for compensation under the Motor Vehicle Act, 1988, seeking compensation to the tune of Rs. 15,00,000/, submitting therein that he was working as a

Primary School Teacher earning Rs.19,000/- per month at the time of the accident and also has spent Rs.10,00,000/- towards medical treatment, also suffered pain and loss of income.

6. The Tribunal, by its Order, proceeded ex-parte against Respondent No.1 and held Respondent No.2, the Insurance company, liable to pay an amount of Rs.6,17,515/- along with interest @ 7%. The Tribunal considered permanent disability suffered by the Appellant as 10% and took his income to be Rs. 16,340/- per month on the basis of his salary certificate.

7. Being aggrieved with the amount of compensation awarded, the Claimant- Appellant filed an appeal before the High Court for enhancement on the ground that the Tribunal had incorrectly appreciated the nature of the injury and further claimed permanent disability to the extent of 40%.

8. The High Court, vide the impugned order, enhanced the amount awarded to the Claimant-Appellant with an additional consolidated sum of Rs.60,000/.

9. We have heard the learned counsel for the parties. It is borne from the record that the Claimant-Appellant had agreed on the additional consolidated sum granted by the High Court. It is imperative for this Court, however, to reiterate that despite such consent, the objective when granting compensation under the Motor Vehicles Act, 1988, is to ensure just and fair compensation is paid to the aggrieved party. This came to be reiterated by this Court recently in Meena Devi v. Nunu Chand Mahto¹, wherein it was observed:

“17. The Tribunal/Court ought to award "just" compensation which is reasonable in the facts relying upon the evidence produced on record. Therefore, less valuation, if any, made in the claim petition would not be impediment to award just compensation exceeding the claimed amount.”

10. As a result of the discussion above, the compensation payable to the Claimant- Appellant in accordance with law is as follows:

FINAL COMPENSATION Compensation Heads Amount Awarded In Accordance with:

Monthly Income Rs.16,340/- National Insurance Co. Ltd. v.

(Salary Certificate)

Yearly Income 16,340 X 12 =
Rs.1,96,080/-

Future Prospects 1,96,080 + 58,824
(30%) age 51 years = Rs.2,54,904/-

Multiplier (11) 2,54,904 x 11 =
Rs.28,03,944/-

Permanent Disability Rs.11,21,578/-

Pranay Sethi

(2017) 16 SCC 680

Para 42 & 59

1 (2023) 1 SCC 204

(40%)		
Medical Expenses	Rs.3,08,827/-	Kajal v. Jagdish Chand
Attendant Charges	16,340 x 11 =	(2020) 4 SCC 413
	Rs.1,79,740/-	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.1,00,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr.
		2024 SCC Online SC 3385
		Para 13 and 14
Loss of Income during treatment	16,340 X 2	Raj Kumar v. Ajay Kumar
		(2011) 1 SCC 343
	= Rs.32,680/-	
For 2 months		Para 6
TOTAL		Rs.17,82,825/-

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 6,17,515	Rs. 6,77,515	Rs.17,82,825/-

11. The Civil Appeal is allowed in the aforesaid terms. The impugned award dated 13th December, 2019 passed in MAC No.77 of 2016 by the 2 nd Additional District Judge-cum-3rd Motor Accident Claims Tribunal, Cuttack 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.