

Sanjay Rajpoot vs Ram Singh on 11 February, 2025

Author: Sanjay Karol

Bench: Prashant Kumar Mishra, Sanjay Karol

2025 INSC 188

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2321 OF 2025
(Arising out of SLP(C)No.16541/2024)

SANJAY RAJP00T

... APPELLANT(S)

VERSUS

RAM SINGH & 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 1 year 6 months 2 years 9 months 6 months Leave granted.

2. This appeal is directed against the Judgment and Order dated 14 th October, 2022 in First Appeal from Order No.210 of 2020 passed by the High Court of Judicature at Allahabad, which, in turn, was preferred against the Judgment and Order dated 20th November, 2019 passed in M.A.C.P No.188 of 2018 by the Motor Accident Claims Tribunal/Special Judge S.C./S.T. Act, Jhansi.

3. The brief facts giving rise to this appeal are that on 3 rd April, 2018, the claimant-appellant, aged 23 years, was going to his home on his motorcycle bearing No.UP-13Y-1838, about 1.30 pm near the bus stand at village Gora Machhia, the offending vehicle bearing No.DL-1PB-9197 coming from the wrong side of the road, driving rashly and negligently, dashed into the claimant- appellant from the front due to which he suffered serious injury, as the driver of the offending vehicle took out the wheel of the bus from the right leg and right hand of the claimant-appellant. He was taken to Medical College, Jhansi. During the treatment, an injury was suffered by him, resulting in the amputation of his right leg above the knee.

4. In connection with this incident, on 6th April, 2018, the father of the Claimant-Appellant lodged an FIR No.57/2018, under Sections 279, 337, 338, 427 of the Indian Penal Code against the driver of the offending vehicle at Bandagon Police Station.

5. The claimant-appellant filed an application for compensation under the Motor Vehicles Act, 1988 seeking compensation to the tune of Rs.67,00,000/- plus cost and interest, submitting therein that he earns Rs.10,000/- per month by running a coaching centre for students of classes 9th and 10th and also works as an accountant at Bablu Ghat of M/s. Vikram Construction Company for Rs.15,000/- per month, however, as a result of the injury suffered, it has become difficult for him to perform his day-to-day activities.

6. The Tribunal, by its order, held that the respondents are jointly and severally liable to pay the compensation. The insurance company was directed to pay an amount of Rs.6,70,000/- at the rate of 6% interest, considering the notional income as Rs.6,000/- per month and fixed the disability of the Claimant-Appellant to be at 50%.

7. Dissatisfied with the amount of compensation awarded, the Claimant- Appellant approached the High Court on the ground that the Tribunal had not appropriately considered the monthly income of the Claimant-Appellant to the tune of Rs.10,000/- and future prospects were also not awarded as per the settled principles of law.

8. The High Court, vide the impugned judgment, enhanced the award in favour of the Claimant-Appellant by granting Rs.1,00,000/- under the head of pain and suffering alongwith granting 40% under the head of future prospects.

9. Yet dissatisfied, the Claimant-Appellant is now before us. The grounds of challenge are that the Courts below have incorrectly assessed the monthly income. He holds a three three-year Diploma Course in Mechanical Engineering and should be treated at par with a skilled labourer for the purposes of his notional income. Furthermore, both Courts have failed to assess his functional disability as 90% since, due to his amputation, he is unable to perform daily tasks. Lastly, his age was also wrongly considered as 26, whereas it should have been 22 years as per evidence on record.

10. We have heard the learned counsel for the parties. Respondent No. 3 - the insurer has not entered appearance. We are unable to agree with the view taken by the Tribunal and High Court on the functional disability suffered by him and also the determination of his age. The Claimant-Appellant is not salaried, but is self-employed running and managing his own business. For the Appellant to be able to effectively run his business, he is definitely required to move around. This has been hampered significantly by his amputation, which proves that the functional disability of the Appellant will severely impact his earning capacity. Therefore, the correct view would be to assess the disability of the Claimant-Appellant as 90%.

11. Coming to the age of the Claimant-Appellant, on a perusal of Annexure P1, P6, and P7, i.e. Matriculation Certificate, Aadhar Card and Pan Card of the Petitioner, his date of birth is 13.11.1995. Given this evidence on record, this Court fixes his age at the time of the incident in 2018 as 22 years of age. Consequently, as per the exposition of this Court in Sarla Verma v. DTC, (2009) 6 SCC 121, the multiplier to be applied is 18.

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.6,000/- National Insurance Co. Ltd. v. Pranay Yearly Income
6000 x 12 = Rs.72,000/- Sethi (2017) 16 SCC 680 Future Prospects 72000 + 28800
= Para 42 & 59 (40%) Rs.1,00,800/-

Multiplier (18) 1,00,800 x 18 =
Rs.18,14,400/-

Mohd. Sabeer v.
Regional Manager,

Permanent Disability 18,14,400 x 90% = U.P. State Road (90%) Rs.16,32,960/-
Transport Corporation 2022 SCC OnLine SC Para 16 Medical Expenses Rs.53,204/-
Kajal v. Jagdish Chand Attendant Charges 6000 x 18 = (2020) 4 SCC 413
Rs.1,08,000/- Para 19 and 25 Loss of Marriage Prospect Rs.2,00,000/-

Sidram v. Divisional Special Diet & Rs.1,00,000/- Manager, United Transportation India Insurance Ltd.

(2023) 3 SCC 439 Para 89 K.S. Muralidhar v. R. Pain and Suffering Rs.3,00,000/- Subbulakshmi and Anr.

2024 SCC OnLine SC Para 13 and 14 Master Ayush v.

Branch Manager, Assistant Device Rs.5,00,000/- Reliance General Insurance Co. Ltd.

(2022) 7 SCC 738
Para 14

TOTAL Rs.28,93,494/-

Thus, the difference in compensation is as under:

MACT
Rs.6,70,000/-

High Court
Rs.10,10,004/-

This Court
Rs.28,93,494/-

13. The Civil Appeal is allowed in the aforesaid terms. The impugned award dated 20th November, 2019 passed in M.A.C.P.No.188 of 2018 by the Motor Accident Claims Tribunal/Special Judge S.C./S.T. Act, Jhansi as modified in terms of the impugned order, stands further modified in the aforesaid terms. 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) February 11, 2025;

New Delhi.