

(2025) 05 SC CK 0307

In the Supreme Court Of India

Case No : Civil Appeal No. 6557 of 2025 (@Special Leave Petition (Civil)
No.14543 of 2023)

M. Seetharama @ Seetharama Gowda

APPELLANT

Vs

Manager Future General India Insurance Co. Ltd. & Ors

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Citation : (2025) 05 SC CK 0307

Hon'ble Judges : Sudhanshu Dhulia, J;K .V. Viswanathan, J

Bench : Division Bench

Advocate : Anand Sanjay M Nuli, Suraj Kaushik, Dharam Singh, Akhila Wali, Akash Kukreja, Abhishek Kanyalur, M/S. Nuli & Nuli, Navin Prakash, Ved Vyas Tripathi, Srishti Prakash, Sakshi Vats

Final Decision : Allowed

Judgement

K. Vinod Chandran, J.

1. Leave granted.

2. The appellant was injured in an accident which occurred on 25.06.2015 when the bike he was riding collided with a jeep. The FIR was registered against the jeep driver who was driving on the right side at high speed as also rashly and negligently. The appellant having suffered multiple injuries was taken to a local hospital where he was discharged after first aid and then admitted to a specialist hospital where he spent one and a half months. The appellant produced medical bills and also asserted an income of Rs.12,000/- per month. The appellant was aged 38 years and he suffered Syme's amputation. The Tribunal awarded a total amount of Rs. 6,60,000/- under various heads which was increased by the High Court to Rs.12,65,000/-.

3. Compensation under different heads as awarded by the High Court: -

Sr. No.

Heads of Claim

Amount

1.

Loss of income.

Rs.9000 x 12 x 15 x 50%

Rs.8,10,000/-

2.

Medical expenses.

Rs.1,90,000/-

3.

Loss of income during laid up period.

Rs. 45,000/-

4.

Loss of amenities.

Rs. 75,000/-

5.

Future medical expenses.

Rs.25,000/-

6.

Pain and suffering.

Rs.1,20,000/-

Total amount

Rs.12,65,000/-

4. The High Court had confirmed the order of the Tribunal which awarded an amount of Rs. 1,20,000/- for pain and suffering. As is evident from the order of the Tribunal, the appellant suffered multiple injuries and had a fracture in the right femur, right clavicle, right tibia and fibula with vascular compromise. Considering the over-all suffering as also the amputation which was at the ankle joint, preserving the heel pad to allow for weight bearing; which is what a Syme's amputation is, the compensation for pain and suffering can be increased to Rs. 1,50,000/-.

5. As far as medical expenses, despite producing bills for Rs. 1,86,486/-, the

Tribunal and the High Court only awarded an amount of Rs. 1,90,000/-; including for special diet, conveyance and attendant charges. This Court is of the opinion that the medical bills proved has to be granted in full and for special diet, conveyance and attendant charges a composite amount of Rs.30,000/- can be awarded.

6. For loss of future income, the Tribunal adopted an income of Rs. 7,000/- which was enhanced to Rs. 9,000/- by the High Court. *Ramachandrappa v. Royal Sundaram Alliance Insurance Co. Ltd.* (2011) 13 SCC 236, (supra) was a case in which even a coolie's income was determined at Rs. 4,500/- in the year 2004. As has been held in *Pranay Sethi* (2017) 16 SCC 680, there can be an incremental increase for every year which at the least will be at Rs.500/- for every successive year. Taking that into account, the salary of an unskilled worker will be Rs.10,000/- in the year 2015 when the accident occurred. The claimant had produced income certificate and PW3 was examined to prove the same. The Tribunal, however, disbelieved PW3. But, in any event, the income of the injured can be fixed at Rs. 10,000/-. When assessing his loss of income for 50% disability, as held by the High Court, necessarily, 40% for future prospects has to be added. We find no reason to increase the percentage of disability as assessed by the Doctor. The amounts granted will be as under:-

Sr. No.

Heads of Claim

Amount

1.

Pain and suffering

Rs.1,50,000/-

2.

Medical expenses.

Rs.1,86,486/-

3.

Special diet, conveyance and attendant charges.

Rs.30,000/-

4.

Loss of amenities.

Rs.10,000/-

5.

Loss of future income. Rs. 10,000/- x 140% x 12 x 15 x 50%

Rs. 12,60,000/-

6.

Future medical expenses.

Rs. 25,000/-

7.

Loss of income during hospitalization.

Rs. 45,000/-

Total amount

Rs.17,06,486/-

7. The awarded amounts shall be paid within a period of two months from today with interest @ 9% per annum and whatever amounts have already been paid shall be deducted. The appellant shall provide the bank account details to the Insurance Company who shall transfer the amount online within the period specified hereinabove.

8. The Appeal stands allowed with the above directions.

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