

(2025) 02 SC CK 0791

In the Supreme Court Of India

Case No : Civil Appeal No. 2322 Of 2025 (Arising Out Of Special Leave Petition (Civil) No.21766 Of 2024)

Nur Ahamad Abdulsab Kanavi

APPELLANT

Vs

Abdul Munaf & Ors

RESPONDENT

Date of Decision : 11-02-2025

Acts Referred:

Citation : (2025) 02 SC CK 0791

Hon'ble Judges : Sanjay Karol, J;Prashant Kumar Mishra, J

Bench : Division Bench

Advocate : Shankar Divate, Rajeev Maheshwaranand Roy, Rajeev Kumar Panday, P Srinivasan

Final Decision : Allowed

Judgement

Sanjay Karol, J

Time taken for disposal of the original claim petition by MACT

Time taken for disposal of the appeal by the High Court

Time taken for disposal of the appeal in this Court

2 years

9 years

2 months

1. Leave granted.

2. This appeal is directed against the judgment and order dated 30th August, 2023 in MFA No.100308/2021 passed by the High Court of Karnataka, Dharwad Bench, which in turn was preferred against the judgment and order dated 4th December, 2020 passed in MVC No.111/2015 by the Addl. Senior Civil Judge and Addl. MACT, Hangal.

3. The brief facts giving rise to this appeal are that on 24th June, 2014, the driver of the offending goods vehicle bearing No.KA-16/A-6260, while driving rashly and negligently, dashed into the Claimant-Appellant, aged 27 years, who was travelling on his motorcycle bearing No.KA-02/EC-3487 from Kashambi village. Upon collision, the Claimant-Appellant sustained injuries and, as such, was taken to SDM Hospital, Dharwad, where he was treated and remained admitted for two months completely bedridden.

4. The Claimant-Appellant filed an application for compensation under the Motor Vehicle Act, 1988, seeking compensation to the tune of Rs.30,00,000/-with cost and interest @18% per annum from the date of accident till realisation, submitting therein that he was working as a Goundy and earning more than Rs.10,000/- per month before the accident and was the sole breadwinner of his family. After the incident, due to mental and physical suffering, he is not in a position to do any work.

5. The Tribunal, by its judgment and order, directed the Insurance Company to pay an amount of Rs.6,78,000/- along with interest @ 6% per annum from the date of petition till the date of realisation. The Tribunal considered the monthly income of the Claimant-Appellant to be Rs.7,500/- per month and the permanent disability to be 20%.

6. Being aggrieved with the amount of compensation awarded, the Claimant-Appellant filed an appeal before the High Court on the ground that the disability has been incorrectly assessed at 20% by the Tribunal, while the Appellant has actually suffered 100% functional disability. Furthermore, his monthly income should have been taken as Rs.10,000/-.

7. The High Court, vide the impugned order, enhanced the amount awarded to the Claimant-Appellant with an additional sum of Rs.18,90,938/-. The High Court enhanced the percentage of disability suffered to 100%, and as such, the compensation awarded by the High Court was as under:

CALCULATION OF COMPENSATION

Monthly Income

Rs.7,500/-

Yearly Income

$7500 \times 12 = \text{Rs.}9,00,000/-$

Future Prospects (40%)

Rs.10,500/- per month

Multiplier (17)

$84,000 \times 17 = \text{Rs.}14,28,000/-$

Permanent Disability (100%)

Rs.21,42,000/-

Special Diet

Rs.50,000/-

Loss of Amenities

Rs.30,000/-

Loss of Income during treatment

Rs.45,000/-

Medical Expenses

Rs.1,96,938/-

Pain and Suffering

Rs.75,000/-

Total

Rs.25,68,938/-

8. Yet dissatisfied, the Claimant-Appellant is now before us. He submits that his salary ought to have been taken as Rs.10,000/- per month.

9. We have heard the learned counsel for the parties. We are unable to agree with the view taken by the Tribunal and High Court on the income of the Appellant. This Court in *Chandra v. Mukesh Kumar Yadav* (2022) 1 SCC 198 had placed reliance on the statement of the deceased's wife therein to establish the income of the person. Similarly, in the absence of any material to discard the oral evidence of PW1 Wife, we deem it appropriate to fix the monthly income of the Claimant-Appellant as Rs.10,000/-.

10. 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.10,000/-

Co. Ltd. v. Pranay

Sethi

(2017) 16 SCC 680

Para 42 & 59

Yearly Income

$10000 \times 12 = \text{Rs.}1,20,000/-$

Future Prospects (40%)

$1,20,000 + 48,000 = \text{Rs.}1,68,000/-$

Multiplier (17)

$1,68,000 \times 13 = \text{Rs.}28,56,000/-$

Permanent Disability (100%)

$28,56,000 \times 100\% = \text{Rs. } 28,56,000/-$

Medical Expenses

$\text{Rs.}2,00,000/-$

Kajal v. Jagdish

Chand

(2020) 4 SCC 413

Attendant Charges

$10,000 \times 17 = \text{Rs.}1,70,000/-$

Special Diet & Transportation

$\text{Rs.}50,000/-$

Sidram v. Divisional Manager, United India Insurance Ltd.

(2023) 3 SCC 439

Para 89

Pain and Suffering

$\text{Rs.}4,00,000/-$

K.S. Muralidhar

v. R. Subbulakshmi &

Anr.

2024 SCC Online

SC 3385

Para 13 and 14

Loss of Income during treatment

Rs.45,000/-

Raj Kumar v. Ajay

Kumar

(2011) 1 SCC 343

Para 6

Loss of Amenities

Rs.30,000/-

TOTAL

Rs.37,51,000/-

11. The Civil Appeal is allowed in the aforesaid terms. The impugned award dated 4th December, 2020 passed in MVC No.111/2015 by the Addl. Senior Civil Judge and Addl. MACT, Hangal, as modified vide the impugned order, stands further modified in terms of the above. Interest is to be paid as awarded by the Tribunal.

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