



2025 INSC 707

Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No.....of 2025
(@Special Leave Petition (C) No.3484 of 2020)**

THE TATA AIG GENERAL INSURANCE CO. LTD.

APPELLANT(S)

VERSUS

SURAJ KUMAR & ORS.

RESPONDENT(S)

J U D G E M E N T

K. VINOD CHANDRAN, J.

1. Leave granted.
2. The Insurance Company is in appeal from an order of the High Court which directed the appellant to provide prosthetic limbs and one motorized wheelchair to the satisfaction of the victim, who was the claimant before the Motor Accident Tribunal. There was a further direction to provide the telephone numbers of two responsible officers of the company and pay the cost of travel to the claimant from Patna to Delhi for carrying out the fitment of the prosthetic limbs and procurement of the motorized

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wheelchair. In addition, the insurance company was directed to ensure the proper functioning of the prosthetic limbs and the wheelchair at least twice a year presumably to ensure replacement on normal means and terms.

3. The Insurance Company is before us contending that as an insurer, the liability is only to indemnify the loss of estate of the insured, that too, in monetary terms, by pecuniary compensation as awarded by the Tribunal. Monitoring the victim of the accident and ensuring his wellbeing in future will not be the duty of the insurer nor can such an obligation be cast on it.

4. We are of the opinion that the appellant is perfectly right in raising such a contention against the impugned order. It would have been better for the High Court to have computed the monetary compensation which would cover the aspect of provision of mobility and prosthetic limb, as also compute in monetary terms, as to what would ensure the future wellbeing of the victim. This could very well have been done upon ascertaining the price of the wheelchair or the prosthetics and also the periodicity of replacement

while awarding attendant charges and future treatment expenses.

5. On facts, the respondent has suffered an accident while he was travelling in a Tempo of his employer as a cleaner on 21.12.2008. The vehicle was driven rashly and negligently and it hit a stationary tanker. Sufficient evidence was produced before the Tribunal regarding the accident and the negligence alleged. The disability was proved by way of examining a Medical Technician and the Doctor who treated the victim and also the Doctor who was a member of the Board which examined the victim, assessed his disability and issued the certificate. PW-3/A was the disability certificate which found both his lower limbs having 90% impairment, one having been amputated. The income of the respondent was assessed at Rs.4000/-. 50% was added for future prospects and the multiplier was taken as 17. The Tribunal on the pecuniary and non-pecuniary aspects awarded total compensation of Rs.16,34,400/- with 9% interest adopting the functional disability to be 100%. The Insurance Company did not file an appeal, and it was the

claimant who took the matter in appeal to the High Court, wherein the impugned order was passed.

6. We cannot accept the order of the High Court though it would, to some extent, be an ideal one by ensuring the victim's well being. The Insurance Company which has indemnified the owner of the motor vehicle as against any loss of estate caused by reason of an accident of the vehicle cannot be required to ensure the future wellbeing, which in any event can be computed in monetary terms and awarded as '*just compensation*'.

7. Looking at the total picture of the disability, the requirement for providing sufficient mobility to the victim, as also the future medical expenses, would be incidental to the future wellbeing of the victim. The victim was 22 years old when he was rendered almost immobile by the injuries suffered in an accident. A prosthetic limb, would in any event cost approximately Rs.2 lakhs and it would have to be changed in every five years. Even on a conservative estimate, the victim would require the change of at least five prosthetic limbs in his lifetime considering his age. The

provision of wheelchair would also take approximately Rs.40,000/- which also would have to be changed every five years. Hence, the total amount of Rs.10 lakhs for the prosthetic limbs and another Rs.2 lakhs for the wheelchair would take care of the future wellbeing of the victim

8. We, hence direct the Insurance Company to pay an additional amount of Rs.12 lakhs to the victim with simple interest @ 6 %, which shall be paid within a period of two months.

9. We are conscious of the fact that the claimant has not approached this Court, and the appeal is filed by the Insurance Company. However, before the High Court it was the claimant who filed the appeal for compensation; the insurer having accepted the award, but more importantly, we are not increasing the award but only stating the award in monetary terms as is prayed now before this Court by the Insurance Company. We do not think a remand would be proper, especially since the accident occurred almost a decade and a half before. Hence, we set aside the

impugned order and decide the appeal for enhancement filed by the claimant before the High Court.

10. The respondent is directed to provide the details of his account into which the insurance company shall deposit/ transfer the balance amounts due, after deducting the amounts already paid if any, through online mode within the time as stipulated above.

11. The appeal is disposed of on the above terms.

12. Pending applications, if any, shall stand disposed of.

..... J.
(SUDHANSHU DHULIA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 15, 2025.**