



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3132-3133 OF 2023

KAVIN

APPELLANT(S)

VERSUS

P. SREEMANI DEVI & ORS.

RESPONDENT(S)

JUDGMENT

ATUL S. CHANDURKAR, J.

1. The appellant-claimant is aggrieved by the judgment of the Division Bench of the Madras High Court in C.M.A. Nos.902 of 2020 and 677 of 2021 as a result of which the amount of compensation that was awarded to the claimant by the Motor Accidents Claims Tribunal came to be reduced.
2. It is the case of the claimant that on 03.07.2011, he was travelling in an Omni bus bearing registration No.KA 20A 6604 as a passenger from Coimbatore to Chennai. There were 22 co-passengers travelling with him. At about 10:15 PM, the said bus that was being driven by one Mr. Balaji gave a dash to a tamarind tree that was at the left side of the road. As a result of the said accident, various passengers suffered grievous injuries. Insofar as the claimant is concerned, he

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too suffered serious injuries resulting in 100% permanent disability. He was required to undergo treatment for a considerable period of time. When the accident occurred, the claimant was aged about 21 years and was pursuing the degree course in Arts. In view of the aforesaid accident, the claimant filed M.C.O.P. No.962 of 2011 seeking compensation of an amount of Rs. 1 crore under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act of 1988').

3. Along with the aforesaid claim petition, various other claim petitions were filed by other injured passengers who were travelling in the said Omni bus. All the claim petitions were tried together. After considering the affidavits filed by the contesting respondents as well as the evidence led by the parties, the learned Member of the Claims Tribunal held that the offending vehicle was owned by the second respondent. The said vehicle was insured with the third respondent-insurance company. It was also held that the accident occurred on account of rash and negligent driving of the first respondent. On these findings, the liability of paying compensation was saddled on the insurance company. While determining the amount of compensation to be awarded to the claimant, the Claims Tribunal noted that the claimant had suffered 100% permanent physical disability. On the basis of documentary material on record, it granted compensation under various heads including medical expenses, future prospects,

loss of income, future medical expenses, attendant charges as well as towards pain and suffering of family members. An amount of Rs.67,83,866/- came to be awarded as compensation to the claimant.

4. The claimant as well as the insurance company were aggrieved by the award dated 30.08.2019 passed by the Claims Tribunal. While the claimant preferred C.M.A. No.902 of 2020 seeking enhancement in the amount of compensation, the insurance company preferred C.M.A. No.677 of 2021 challenging the quantum of compensation as awarded. Both the appeals were heard together and by the judgment dated 16.08.2022, the Division Bench of the Madras High Court affirmed the findings as regards rash and negligent driving by the first respondent and ownership of the offending vehicle as regards the second respondent. The liability of the insurance company to satisfy the claim for compensation was also accepted. However insofar as the amount of monetary compensation is concerned, the High Court was of the view that future medical expenses and attendant charges had been granted on a higher side. The amounts granted under these heads were thus reduced. Insofar as compensation granted towards permanent disability, loss of enjoyment of life and amenities as well as towards pain and sufferings of family members came to be set aside. As a consequence, the amount of compensation as granted by the Claims Tribunal came to be reduced by an amount of Rs. 19 lacs.

Consequently, it was held that the claimant was entitled to compensation of Rs.48,83,866/-. The appeal preferred by the claimant was thus dismissed while the appeal preferred by the insurance company was partly allowed. The claimant being aggrieved by the reduction in the amount of compensation as well as the refusal to enhance the amount of compensation has thus come up in appeal.

5. Ms. Harsha Tripathi, learned counsel appearing for the claimant submitted that the High Court was not justified in reducing the amount of compensation by Rs. 19 lacs. There was no justification whatsoever to hold that the evidence on record was insufficient to support the claim for future medical expenses. As the claimant had suffered 100% permanent disability it was obvious that he would be required to undertake medical treatment for his entire life. There was no justification for the High Court to have reduced the amount of compensation under these heads. In fact, the High Court ought to have awarded a higher amount than that granted by the Claims Tribunal. The learned counsel further submitted that the amount of Rs. 3 lacs granted towards permanent disability came to be set aside by the High Court without any justifiable reason. Merely because compensation was granted towards loss of income, the same would not justify non-grant of compensation for permanent disability.

Similarly, there was no legal basis for setting aside the amount of compensation granted towards loss of enjoyment of life and amenities as well as pain and suffering of family members. Relying upon the decision of this Court in ***K.S. Muralidhar v. R. Subbulakshmi and another, 2024 INSC 886***, it was submitted that the claimant as well as his family members were entitled to be granted compensation under the head “family pain and sufferings.” In fact, the amount of Rs. 3 lacs as granted by the Claims Tribunal was on a lower side. The High Court was also not justified in reducing the compensation that was granted by the Claims Tribunal towards attendant charges. In the light of injuries suffered by the claimant resulting in permanent disability, it was obvious that the claimant would require the services of an attendant for his entire life. In that regard reliance was placed on the decisions of this Court in ***Kajal v. Jagdish Chand and others, 2020 INSC 135*** and ***Sri. Benson George v. Reliance General Insurance Co. Ltd. and another, 2022 INSC 235***. It was thus submitted that the High Court not only erred in reducing the amount of compensation that was granted by the Claims Tribunal but also failed to enhance that amount despite substantial evidence on record. It was thus prayed that the entire amount as claimed in the claim petition be granted to the claimant and that the appeals be allowed.

6. On the other hand, Ms. Prerna Mehta, learned counsel appearing for the insurance company supported the impugned judgment and opposed the prayer made by the claimant. It was submitted that the High Court rightly found that as the claim for compensation towards loss of income had been granted there was no justification for granting a sum of Rs. 3 lacs towards permanent disability. As the claimant failed to lead any evidence in respect of future medical expenses, the amount of Rs. 9 lacs as awarded by the Claims Tribunal was rightly reduced to Rs. 2 lacs. Same was the case with regard to compensation towards attendant charges. There was no basis whatsoever for granting the amount of Rs. 6 lacs as awarded by the Claims Tribunal. The reasons for setting aside the compensation towards pain and suffering of the family members were also correct and the same did not call for any interference. In any event, it was submitted that considering the nature of evidence brought on record by the claimant, the High Court was justified in reducing the amount of compensation from that which was granted by the Claims Tribunal. The learned counsel further submitted that there was no case made out to further enhance the amount of compensation as sought by the claimant. It was therefore urged that there was no merit in the appeals and same were liable to be dismissed.

Mr. Nikhil Swami, learned counsel appearing for the owner of the vehicle also opposed the appeals.

7. We have heard the learned counsel for the parties at length and with their assistance we have also perused the documentary material on record. At the outset, it may be stated that the findings recorded by the Claims Tribunal as regards occurrence of the accident, the offending vehicle being driven by the first respondent, ownership of the offending vehicle as well as the liability of the insurance company to satisfy the claim for compensation have been affirmed by the High Court. These findings are not under challenge by any of the respondents in these appeals. It is only the claimant who is aggrieved by the reduction in the amount of compensation from that which was granted by the Claims Tribunal. Thus, the only aspect to be considered in these appeals is the prayer for enhancement of compensation as made by the claimant by treating all other findings as recorded being accepted by the respondents.
8. Having perused the material on record, we find that the High Court was not justified in reducing the quantum of compensation that was awarded by the Claims Tribunal. It may be noted that the fact that the claimant had suffered 100% disability and that he was in a vegetative state was not questioned by the owner of the vehicle or the insurance company. The age of the claimant was 21 years when the accident

took place. He was pursuing his education at that point of time. Considering the nature of injuries suffered by the claimant, the Claims Tribunal was of the view that even after being discharged from hospital, he would be required to undergo periodical medical check-ups. Future medical expenses were calculated at the rate of Rs. 3,000/- per month for a duration of 25 years and on that basis an amount of Rs. 9 lacs came to be awarded. The High Court was of the opinion that the aforesaid amount as granted was excessive though it was of the view that the claimant would require some amount for such expenses. It is for this reason that the amount granted towards future medical expenses was reduced from Rs. 9 lacs to Rs. 2 lacs.

9. We find that this reduction in the amount granted towards future medical expenses is totally unjustified. Though the figure of Rs. 3,000/- per month as granted appears to be reasonable, in our view restricting the amount of future medical expenses only for a period of 25 years appears to be unjustified. As noted above, the claimant was aged about 21 years when the accident took place. If the amount of future medical expenses is restricted only for a further duration of 25 years, it would meet such expenses till the claimant attains the age of 46 years. In our view, the amount granted towards future medical expenses deserves to be enhanced keeping in view the average life expectancy. Taking an overall view of the matter, an

amount of Rs. 15 lacs towards future medical expenses would meet the ends of justice. Part of the said amount if invested by the claimant on its receipt would earn interest and would enable the claimant to tide over future expenses in the latter part of his life. Accordingly, the amount of compensation granted towards future medical expenses stands enhanced to Rs. 15 lacs.

10. The Claims Tribunal granted an amount of Rs. 3 lacs towards loss of enjoyment of life and amenities. This amount however has been set aside by the High Court without assigning any reason whatsoever. It cannot be gathered from the impugned judgment as to what weighed with the High Court while setting aside the grant of compensation under this head. In the light of the permanent disability suffered by the claimant, the said amount of compensation as awarded did not warrant any interference. The award of an amount of Rs. 3 lacs towards loss of enjoyment of life and amenities thus stands restored.
11. Coming to the grant of compensation towards attendant charges, the Claims Tribunal was of the view that an amount of Rs. 6 lacs could be granted under the said head. The High Court however was pleased to reduce the aforesaid amount to Rs. 3 lacs by observing that Rs. 6 lacs appeared to be excessive. In our view, the claimant having suffered permanent physical disability to the extent of 100%, he would definitely require assistance during his further life. It has

come in the evidence of the claimant that he was required to use a water bed for his comfort considering his handicap. He was also required to use a wheelchair even for attending natures' call. On that basis, an amount of Rs. 2,000/- per month for a period of 25 years came to be awarded. In our view, again considering the nature of disability suffered by the claimant he would require the services of an attendant for the rest of his life. The claimant being aged only 21 years when the accident took place, a lumpsum grant of Rs. 10 lacs towards attendant charges for the rest of his life would meet the ends of justice. As noted above, if the claimant invests part of this amount of compensation, he would receive interest on such invested amount that would take care of his future expenses under this head. Accordingly, an amount of Rs. 10 lacs is granted towards attendant charges.

12. The Claims Tribunal was pleased to award an amount of Rs. 3 lacs towards pain and suffering to the family members of the claimant. This was done after relying upon the decision of the Division Bench of Madras High Court in ***Dhamodaran (deceased) and others vs. Bhaskar Sekar and another (C.M.A. Nos. 1646 of 2015 and 1301 of 2017 dated 19.12.2018)***. The High Court however was pleased to set aside the grant of compensation under this head, again without assigning any reason. When the Claims Tribunal had awarded

compensation under the head of pain and suffering of family members by relying upon the judgment of the High Court, another co-ordinate Bench of the same High Court could not have ignored the said judgment while setting aside the grant of such compensation by the Claims Tribunal. We do not find any reason whatsoever to deny the claimant the grant of compensation under this head. Accordingly, the compensation of Rs. 3 lacs towards pain and suffering of family members stands restored.

13. The Claims Tribunal further granted an amount of Rs. 3 lacs towards permanent disability suffered by the claimant. This was after taking into consideration the 100% disability suffered by the claimant. The High Court however set aside the grant of compensation under this head by observing that as compensation towards loss of income had been granted, further amount of Rs. 3 lacs towards permanent disability was not admissible. We do not find any basis whatsoever for this approach of the High Court. The grant of compensation for loss of future income is a distinct head from the one under which compensation is granted for permanent disability. In the light of the fact that the claimant suffered 100% permanent disability and was living in a vegetative state, the High Court was not justified in setting aside the grant of compensation under this head. In our view,

considering the nature of disability suffered by the claimant, he would be entitled to amount of Rs. 5 lacs under this head.

14. In the light of the aforesaid discussion, the findings recorded by the High Court for reducing the amount of compensation to the extent of Rs. 19 lacs from what was awarded by the Claims Tribunal are unsustainable and thus set aside. Instead, it is held that the claimant would be entitled to an amount of Rs. 82,83,866/- as compensation under Section 166 of the Act of 1988. The unpaid amount of compensation shall be paid to the appellant within a period of four weeks from today with interest at the rate of 7.5% per annum as directed by the Claims Tribunal.
15. The civil appeals are allowed in the aforesaid terms leaving the parties to bear their own costs.

.....J.
[N. V. ANJARIA]

.....J.
[ATUL S. CHANDURKAR]

**NEW DELHI,
AUGUST 22, 2025.**