

2026 LiveLaw (SC) 468

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
J.K. MAHESHWARI; J., ATUL S. CHANDURKAR; J.
SLP (C) NO.13122 OF 2024; MAY 6, 2026
HANSRAJ *versus* MUKESH NATH AND OTHERS

Motor Vehicles Act, 1988 — Section 166 & 173 — Motor Accident Claim — Enhancement of Compensation — 100% Permanent Disability of a 14-year-old Minor Pillion Rider - Notional Income Evaluation - The Supreme Court held that the High Court erred in fixing the minor claimant’s notional annual income at a low rate of ₹30,000/- The notional income must be determined based on the prevailing minimum wages admissible for a skilled workman in the state at the time of the accident - Since the minimum wages for a skilled workman in Rajasthan in 2016 were ₹5,746/- per month, Supreme Court rounded it off to ₹5,800/- per month (amounting to ₹69,600/- annually) - After adding 40% for future prospects and applying a multiplier of 18, the loss of income was enhanced to ₹17,53,920/- Supreme Court modified the meager attendant charges of ₹1,21,800/- awarded by the High Court - Pointing out that the minor appellant suffered 100% permanent disability and requires the continuous assistance of two attendants round the clock for the rest of his life, computed the charges using the minimum wages of a semi-skilled workman (₹5,000/- per month per attendant) - Applying a multiplier of 18, the Court enhanced the attendant charges to ₹21,60,000/- To secure the minor's future, the Court directed that 25% of this amount be released immediately, while the remaining 75% be kept in a fixed deposit, with ₹1,50,000/- released annually to earn continuous interest - Supreme Court significantly enhanced compensation under alternative heads to meet the ends of justice: ₹10,000,00/- for mental pain, suffering, and loss of amenities; ₹3,00,000/- for future medical expenses; ₹3,00,000/- for loss of marriage prospects; and ₹1,00,000/- for special diet and transportation, bringing the total modified compensation to ₹56,83,663/- with 6% interest per annum. [Relied on *Kajal v. Jagdish Chand and Others*, 2020 INSC 135; Paras 8-11]

For Appellant(s): Mr. Aditya Singh, AOR Mr. Shubham Singh, Adv. Mr. Kamal Kishor, Adv. Mr. Vaseem, Adv.

For Respondent(s): Mr. Sandeep Jha, Adv. Ms. Rita Jha, AOR Mr. Kumar Vikramaditya, Adv.

J U D G M E N T

ATUL S. CHANDURKAR, J.

1. Leave granted.
2. This appeal has been preferred by the claimant who is not satisfied with the partial enhancement in the amount of compensation as awarded by the learned Single Judge of the Rajasthan High Court¹ pursuant to the judgment dated 09.04.2024 in S.B. Civil Miscellaneous Appeal No.1334 of 2022.
3. According to the appellant, on 08.11.2016 he alongwith his friend were riding on a motorcycle on Mundoita Kalawar Road. The appellant was aged about fourteen

¹ In short, “the High Court”

years and was a pillion rider. The first respondent drove the motorcycle in a negligent manner due to which the motorcycle hit the rear portion of a tractor trolley. The appellant fell down and suffered grievous injuries on his neck, head, backbone and also suffered fractures. As a result of the said accident, the appellant was required to be hospitalized for about 203 days. He suffered 100% permanent disability on account of the said accident. He, therefore, preferred a claim petition under Section 166 of Motor Vehicles Act, 1988² seeking compensation of an amount of ₹22,45,000/- before the Motor Accident Claims Tribunal³. Since the said motorcycle was owned by the second respondent and was insured with the third respondent, the claim for compensation was made against all of them.

4. The driver of the motorcycle as well as its owner did not file their written statements and were accordingly proceeded against *ex parte*. On behalf of the third respondent - Insurance Company, written statement was filed denying the claim as made. Before the Claims Tribunal, the appellant examined his father – Pawan Kumar and another witness, Kamlesh Kumar Sharma. On behalf of the Insurance Company, Hiralal Bambi came to be examined. The learned Judge of the Claims Tribunal after considering the entire material on record and after appreciating the evidence led by the parties was pleased to award compensation of an amount of ₹7,76,543/- in the following manner: -

1	In the Head of loss of income	₹4,80,000/-
2	Medical expenses	₹49,743/-
3	Attendant expense	₹1,21,800/-
4	In the Head of Surgery	₹5,000/-
5	In the Head of transportation	₹10,000/-
6	In the Head of Nutrition	₹10,000/-
7	Bodily, mental agony	₹1,00,000/-
	Total	₹7,76,543/-

5. The appellant not being satisfied with the quantum of compensation awarded by the Claims Tribunal preferred an appeal under Section 173 of the said Act. The Insurance Company did not challenge the findings recorded by the Claims Tribunal as regards its liability to satisfy the claim for compensation. As a result, the said findings became final. The High Court, thus, considered the prayer for enhancement in the amount of compensation. While partly allowing the appeal, the High Court enhanced the amount of compensation in the following manner: -

Annual Income	₹30,000/-
Loss of Income viz-a-viz 100% permanent disability	₹30,000 x 100% = ₹30,000/-
According to the age of the claimant, Multiplier of 18 shall be applied	₹30,000 x 18 = 5,40,000/-
Future Prospects (40% of the claimant's income)	₹5,40,000 x 40% = 2,16,000/- (5,40,000+2,16,000=7,56,000/-
Medical Bills	₹49,743/-
Attendant Charges	₹1,21,800/-
Under the head of Operation	₹20,000/-
Transportation	₹10,000/-

² For short, 'the said Act'

³ For short, 'the Claims Tribunal'

Nutritional diet	₹10,000/-		
Mental Agony	₹1,00,000/-		
Loss of marriage prospects	₹1,00,000/-		
Future medical treatment	₹50,000/-		
Total	₹12,17,543/-		
Less amount awarded by the Tribunal	₹7,76,543/-		
Enhanced Amount of compensation	₹12,17,543	-₹7,76,543	=
	₹4,41,000/-		

The total enhancement thus granted by the High Court was ₹4,41,000/-. The appellant not being satisfied with the partial enhancement in the amount of compensation has preferred this appeal.

6. Mr. Aditya Singh, learned counsel appearing for the appellant submitted that considering the age of the appellant, which was fourteen years when the accident took place, the notional income considered by the High Court was on a lower side. Placing reliance on the decision in **Kumari Laxmisree Vs. The Managing Director, KSRCTC Depot, Bengaluru**⁴, it was submitted that notional income ought to have been taken at ₹10,000/- per month. The fact that the appellant suffered 100% disability of a permanent nature, the attendant charges as awarded were on a lower side. Referring to the evidence on record, it was submitted that the appellant was in need of continuous assistance during the entire day. Considering his young age, he was required to seek such assistance for his entire life. It was further submitted that further enhancement on account of pain and suffering as well as loss of amenities ought to be granted considering the nature of injuries suffered by the appellant. He also sought enhancement in the amount of future medical expenses, compensation due to loss of prospects of marriage, towards special diet and transportation. In that regard, he also referred to the decisions in **Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari and another**⁵ and **Kajal Vs. Jagdish Chand and others**⁶. It was, thus, submitted that the appellant was entitled to substantial enhancement in the amount of compensation.

7. Per contra, Ms. Rita Jha, learned counsel appearing for the Insurance Company opposed the appeal and supported the judgment of the High Court. According to her, the notional income of the appellant ought to be taken on the basis of minimum wages that were payable to a skilled workman in the year 2016 when the accident occurred. The amount of minimum wages of a skilled workman then were ₹5,746/- per month. It was further submitted that reasonable amounts were liable to be granted towards attendant charges and medical expenses. The amounts claimed by the appellant were on a higher side. The High Court after taking into consideration all relevant aspects had rightly granted partial enhancement in the amount of compensation and no further enhancement was called for. She referred to the decisions in **Baby Sakshi Greola v. Manzoor Ahmad Simon and another**⁷ and *Hitesh Nagjibhai Patel (supra)*. The learned counsel also referred to the decision in *Kajal (supra)* and submitted that the appeal was liable to be dismissed.

8. Having heard the learned counsel for the parties and after perusing the documentary material on record, we are of the considered view that the amount of compensation as awarded by the High Court deserves enhancement. The appellant

⁴ C.A. No.4493/2025 dated 05.03.2025

⁵ 2025 INSC 1070

⁶ 2020 INSC 135

⁷ 2024 INSC 963

was aged fourteen years when the accident took place and as a result of the same has suffered 100% permanent disability. The High Court has considered the notional annual income as ₹30,000/-. This amount is on a lower side. The notional income would have to be determined on the basis of the minimum wages admissible for a skilled workman in the State of Rajasthan in 2016. Such minimum wages were ₹5,746/- per month. Taking the monthly notional income at ₹5,800/-, the annual income would be ₹69,600/-. Future prospects at 40% would make the annual income as ₹97,440/-. On the basis of the age of the appellant, multiplier of 18 has been rightly applied. On that basis, the loss of income would come to ₹17,53,920/-.

9. Under the head of attendant charges, the High Court has awarded sum of ₹1,21,800/-. This figure again is on a lower side. As held by this Court in *Kajal (supra)*, the minimum wages admissible in this regard will have to be taken. The figure of ₹5,000/- as monthly wages of a semi-skilled workman is accordingly taken into account being the charges of an attendant for a month. The appellant having suffered permanent disability, he would require the assistance of two attendants round the clock. Applying the multiplier of 18, this figure would come to ₹21,60,000/-. Since the appellant would require the services of two attendants for the rest of his life, part of the amount admissible under this head would be required to be invested in fixed deposit to enable the invested amount to carry interest so that this amount could be utilized in future. Such investment would also take into account any higher amount required to be paid to the attendants.

10. Insofar as the amount admissible towards medical bills and operation of the appellant is concerned, the High Court has awarded a sum of ₹49,743/- and ₹20,000/- respectively as per the documentary material submitted by the appellant. No further enhancement in this regard is called for. Insofar as mental pain and suffering alongwith loss of amenities is concerned, the amount ₹10,00,000/- can be awarded. Towards future medical expenses, the amount deserves to be enhanced to ₹3,00,000/-. Similarly, on account of loss of marriage prospects a sum of ₹3,00,000/- deserves to be paid. ₹1,00,000/- deserves to be awarded under the head of special diet and transportation. Thus, the total amount of compensation now admissible would be ₹56,83,663/-. This amount of compensation would carry interest at the rate of 6% per annum from the date of filing of the claim petition till the actual payment is made. Needless to state that the interest already awarded on the amount of compensation is required to be taken into consideration in this regard. Accordingly, the compensation now payable to the appellant is as under: -

HEAD	COMPENSATION
Notional Income	₹5,746 p.m. - Rounded off to ₹5,800 = 5,800 x 12 = ₹69,600/-
Future Prospects @ 40%	₹69,600 x 1.4 = ₹97,440/-
Multiplier of 18	₹97,440 x 18 = ₹17,53,920/-
Loss of Income	₹17,53,920/-
Attendant Charges	₹10,000 x 12 months x 18 multiplier = ₹21,60,000/- (For 2 Attendants)
Medical Bills & Operation	₹49,743 (As provided by MACT) + ₹20,000 for operation (As provided by the HC) = ₹69,743/-
Mental Pain & Suffering alongwith loss of amenities	₹10,00,000/-
Future Medical expenses	₹3,00,000/-

Loss of marriage prospects	₹3,00,000/-
Special Diet & Transportation	₹1,00,000/-
TOTAL	₹56,83,663/-

11. Accordingly, for all these reasons the judgment of the High Court dated 09.04.2024 in Civil Miscellaneous Appeal No.1334 of 2022 stands modified. The appellant is held entitled to total compensation of ₹56,83,663/- alongwith interest at the rate of 6% per annum payable from the date of filing of the claim petition till actual payment. The amounts already paid shall be taken into consideration. As regards attendant charges of ₹21,60,000/-, 25% of this amount shall be immediately released in favour of the appellant. The remaining 75% amount shall stand invested in a fixed deposit account to enable future attendant charges being met herein after. Annually, an amount of ₹1,50,000/- shall be released in favour of the appellant so that the balance amount continues to earn interest.

The civil appeal is, accordingly, allowed in aforesaid terms leaving the parties to bear their own costs. The pending interim application is also disposed of.

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