IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO……………………. OF 2026
(@ Special Leave Petition (Civil) No.5422 of 2026)

P. JASHWANTH ... APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. & ANR. ...RESPONDENT(S)

O R D E R

Time taken for disposal of the claim petition by the MACT	Time taken for disposal of appeal by the High Court	Time taken for the disposal of the appeal in this Court
5 years 1 months 25 days	6 years 2 months 10 days	3 months 4 days

Leave granted.

2. This appeal is directed against the judgment and order dated 21.04.2022 passed in MACMA No. 1781 of 2016 by the High Court for the State of Telangana at

Hyderabad, which, in turn, was preferred against the order dated 11.08.2015 in M.V.O.P No. 443 of 2011 passed by the Motor Accident Claims Tribunal (MACT)-cum-XIV Additional Chief Judge, City Civil Court, Hyderabad.

3. The claimant seeks enhancement of compensation on the grounds that the High Court failed to award just compensation under conventional and non-pecuniary heads, despite the severity of the injuries sustained.

4. The brief facts are that on 03.04.2010, a seven-year-old boy, was struck by a tractor (bearing No. AP 22 M 1719) driven in a rash and negligent manner. The injuries sustained were catastrophic, including brain damage resulting in Cerebral Palsy, leaving him permanently bedridden and unable to perform daily activities without an attendant.

5. An application seeking compensation was filed by the father of the minor child under Section 166 of the Motor Vehicle Act, 1989, before the Tribunal

seeking compensation to the tune of approximately Rs. 30,00,000/-.

6. The claimant's petition before the Tribunal succeeded. The Tribunal, *vide* its order dated 11.08.2025, held Respondent Nos. 1 and 2 (i.e. the owner of the vehicle and the insurance company) jointly and severally liable to compensate the claimant-appellant with an amount of Rs. 17,57,000/- along with 7.5% per annum assessing physical disability at 80%.

7. The Insurance Company challenged the compensation awarded by the Tribunal and filed an appeal before the High Court. Being subjected to grievous and multiple injuries at the age of 7, the minor child suffered catastrophic trauma, including severe brain damage that resulted in Cerebral Palsy, rendering him permanently bedridden and wholly dependent on an attendant for all daily activities, the High Court enhanced the compensation and awarded a total amount of Rs. 24,05,000/-, interest was to be paid at the rate of 7.5% per annum. The High Court re-assessed

the claimant appellant(s) loss of future income by increasing the amount to Rs. 10,80,000/- while maintaining the disability assessment at 80%.

8. Yet, dissatisfied, the claimant-appellant is now before us. The significant grounds raised are that functional disability should be reckoned at 100%, we find that the High Court's assessment of 80% is based on the medical evidence provided by the doctor (PW7) and the District Medical Board, Nalgonda. Consequently, for the purpose of calculating the loss of future income, the disability shall be kept at 80% as determined by the courts below.

9. We have heard the learned counsel for the parties. The sum and substance of the challenge raised by the claimant-appellant is that his functional disability has been erroneously assessed on the lower side. He also challenges the compensation awarded under the conventional and non-pecuniary heads, contending that, despite the severity of the injuries sustained, the same has been assessed conservatively by the courts below.

10. Further, in our opinion, the claimant-appellant is also entitled to compensation under the various conventional heads in terms of the law laid down by this Court in *Kajal v. Jagdish Chand*[1], *Sidram v. Divisional Manager, United India Insurance Co. Ltd*[2]. and *K.S. Muralidhar v. R. Subbulakshmi and Another*[3].

11. As a result of the discussion above, the Final Compensation payable to the claimant-appellant in accordance with the law is as follows:

Compensation Heads	**Amount Awarded**	**In Accordance with:**
Monthly Income	Rs.6250/-	
Yearly Income	Rs.75,000/-	
Future Prospects (40%), age 7 years	75,000/- + 30,000/- = Rs. 1,05,000/-	***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680 *Para 42 & 59.4*
Multiplier (18)	1,05,000/- x 18 = Rs.18,90,000	
Permanent Disability (80%)	80% of 18,90,000/-	***Arvind Kumar Mishra v. New India Assurance Co. Ltd.,***

[1] *(2020) 4 SCC 413*
[2] *(2023)3 SCC 439*
[3] *2024 SCC Online SC 3385*

	= Rs.15,12,000/-	(2010) 10 SCC 254 *Para 13 and 14*
Loss of income / Future Earnings due to Disability	Rs.15,12,000/-	
Medical Expenses	Rs. 7,50,000/-	
Attendant Charges	Rs. 10,00,000/-	
Marriage Prospects	Rs. 3,00,000/-	***Kajal v. Jagdish Chand (2020)4 SCC 613***
Pain & Suffering	Rs.5,00,000/-	***K.S. Muralidhar v. R. Subbulakshmi and Anr.*** *2024 SCC Online SC 3385* *Para 13 and 14* ***AND*** ***Sidram v. Divisional Manager, United India Insurance Ltd.*** *(2023) 3 SCC 439* *Para 89 and 111*
Loss of Happiness & Amenities	Rs.4,50,000/-	***Raj Kumar v. Ajay Kumar*** *(2011) 1 SCC 343 Para 6*
TOTAL	**Rs. 45,12,000/-**	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs.17,57,000/-	Rs.24,05,000/-	Rs.45,12,000/-

12. Thus, the total compensation is enhanced from the High Court's award of Rs. 24,05,000/- to Rs. 45,12,000/-.

13. The Civil Appeal is allowed in the aforesaid terms. The award dated 11.08.2015 in M.V.O.P No. 443 of 2011 passed by the Motor Accident Claims Tribunal (MACT)-cum-XIV Additional Chief Judge, City Civil Court, Hyderabad, as modified by the High Court for the State of Telangana at Hyderabad, vide the impugned order dated 21.04.2022, passed in MACMA No. 1781 of 2016 stands modified accordingly. Interest on the amount is payable as awarded by the Tribunal. The Respondent No. 1 (*Insurance Company herein*) shall satisfy the award. The enhanced amount shall carry interest at 7.5% per annum, as awarded by the Tribunal, from the date of filing the claim petition until realization.

14. The amount be directly remitted into the bank account of the claimant-appellant. The particulars of the bank account are to be immediately supplied by the learned counsel for the appellant to the learned counsel for the respondent. The amount be remitted positively within a period of four weeks thereafter. The period of delay in filing this appeal shall be excluded during the computation of interest.

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

……………………………………………………J.
(SANJAY KAROL)

…………………………………………………….J.
(AUGUSTINE GEORGE MASIH)

New Delhi
April 20, 2026