

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

CIVIL APPEAL NO. 14249 OF 2025
(Arising out of SLP (C) No. 27247/2024)

ANWAR HUSAIN

.....APPELLANT

VERSUS

IRFAN KHAN AND ORS.

.....RESPONDENT(S)

ORDER

1. Heard. Leave Granted.
2. The claimant, an injured victim in a motor vehicle accident, has approached this Court seeking enhancement of compensation. The case of the claimant is that on 23.10.2015, at about 1:45 a.m., while returning home after attending Muharram festivities, he was travelling in an autorickshaw bearing Registration No. MP-14-R-0508 driven by respondent No. 1 in a rash and negligent manner, without due care and in violation of traffic rules and vehicle approaching from the opposite direction lost control, causing the autorickshaw to become unbalanced and overturned, which resulted in serious injuries being sustained by the claimant. He claims he sustained multiple injuries, including fracture of the left elbow and ulna, deep laceration to the arm and hand, rib fracture, and a head injury near the left eye. He initially received

treatment at the District Hospital and was thereafter shifted to Indira Gandhi District Hospital. Owing to the deteriorating condition of his hand, he was then referred to Chelawat Hospital, where he remained for eight days and was cautioned about the risk of amputation. On 30.10.2015, he was further shifted to Param Multispeciality Hospital, Ahmedabad, where he underwent surgery with nail fixation and skin grafting, remained admitted for another eight days, and required external plastic support for the injured limb.

3. The appellant thereafter instituted a claim petition¹ under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as ‘the Act’) before the Motor Accident Claims Tribunal² (hereinafter referred to as ‘the Tribunal’), seeking compensation of Rs. 18,85,000. The claimant contended that he is a 45-year-old healthy and able-bodied person who supported his family by earning about Rs. 12,000 per month from owning and driving an autorickshaw. Due to the serious injuries sustained in the accident, he is no longer capable of performing his work as before. He has suffered 100% permanent disability affecting his livelihood. Accordingly, the claimant has sought compensation of Rs. 18,85,000/- with interest under various heads from the respondents, jointly and severally.

4. The driver and the owner of the vehicle remained ex parte. The insurer entered appearance and filed its written statement, denying the averments made in the claim petition and contending that accident

¹ MACC No. 155 of 2015.

² Ld. MACT, Mandsaur, Madhya Pradesh.

occurred solely due to the claimant's own negligence. It was further asserted that driver-Respondent No.1 was not holding a valid and effective driving licence at the time of the accident and the vehicle was being operated in violation of the terms and conditions of the insurance policy. On these grounds, the insurer pleaded that it was not liable to indemnify the claim and prayed for dismissal of the petition.

5. There is no dispute with regard to the claimant's involvement in the accident, nor is there any controversy that the accident occurred due to the rash and negligent driving of Respondent No. 1. It is further undisputed that the offending vehicle was duly insured under a valid policy on the date of the accident. In view of this admitted factual matrix, no further inquiry on these aspects is warranted.

6. The Tribunal, upon evaluating the evidence on record, noted that the claimant had sustained three fractures, as confirmed by the pre-MLC report and X-ray findings. The medical records, treatment bills, and the disability certificate issued by the District Hospital, Mandsaur, substantiated the nature and extent of the injuries. Upon examination by the Medical Board, it was certified that the claimant had suffered 43% permanent disability of the left upper limb.

7. Insofar as the assessment of compensation is concerned, the Tribunal observed that although the claimant asserted that he earned Rs. 400–500 per day by driving an autorickshaw, no documentary evidence was produced to substantiate such claim. The Tribunal therefore held that, as the claimant possessed a valid driving licence, his notional income for the year 2015 could reasonably be assessed at

Rs. 5,000 per month, i.e., Rs. 60,000 per annum. Dr. K.C. Shrimal (PW-3) deposed that while the claimant would face difficulty in driving, he had not imposed any restriction preventing him from engaging in work suited to his capacity. Noting that the claimant was not wholly incapacitated from driving or undertaking other employment, the Tribunal declined to treat the disability as total and assessed the loss of earning capacity at 40%. Considering the claimant's age of 45 years, the Tribunal awarded 25% towards future prospects and, applying the multiplier of 14, computed the loss of future earning capacity at Rs. 4,20,000/- ($5000 + 25\% \times 12 \times 40\% \times 14$). The Tribunal further held that the claimant would have remained out of employment for two months and awarded Rs. 10,000/- towards loss of income during treatment. On the basis of medical bills and hospital records, Rs. 1,19,368/- was awarded towards medical expenses, Rs. 5,000/- towards nutritious food, and Rs. 3,000/- towards attendant charges. Relying on the documentary evidence, Rs. 15,330/- was awarded towards travel expenses and Rs. 25,000/- towards physical and mental agony. In all, the Tribunal held the claimant entitled to a sum of Rs. 5,97,698/- with interest at 6% per annum from the date of petition till realization and directed the insurer to deposit the same within a period of 30 days.

8. Aggrieved by the award of the Tribunal, the claimant preferred an appeal³ before the High Court of Madhya Pradesh⁴ at Indore under Section 173 of the Act seeking enhancement of compensation. Upon re-appreciation of the evidence on record, the High Court held that the

³ Misc. Appeal No. 1006 of 2020.

⁴ Hereinafter referred to as the High Court.

Tribunal had failed to award just and reasonable compensation and the enhancement was therefore warranted. The High Court observed that the Tribunal erred in assessing the claimant's monthly income at Rs. 5,000/-, and held that the claimant, being a skilled worker, was entitled to have his income assessed at Rs. 9,000/- per month. Proceeding on this basis, the High Court computed the compensation under the head of permanent disability at Rs. 7,56,000/- ($\text{Rs. } 9,000 + 25\% \times 12 \times 14 \times 40\%$). The findings of the Tribunal with respect to nutritious food and attendant charges, conveyance charges, medical and hospital expenses, and loss of income during treatment were affirmed. The High Court, however, enhanced the amount awarded towards pain and suffering from Rs. 25,000/- to Rs. 50,000/-. In all, the High Court enhanced the total compensation from Rs. 5,97,968/- to Rs. 9,58,698/-, with interest as directed by the Tribunal.

Sl. No.	Head	Amount (In Rs)
1	Loss of Future Earning Capacity	7,56,000
2	Pain and Suffering	50,000
3	Nutritious food and Attendant Charges	8,000
4	Conveyance charges	15,330
5	Medical/Hospital Bills	1,19,368
6	Loss of income during treatment	10,000
7	Total Computation	9,58,698/-

9. The Appellant not being satisfied with the quantum of compensation awarded by the High Court, has filed this Appeal seeking further enhancement of compensation.

10. Mr. Chand Qureshi, learned Counsel appearing for the Claimant submits the High Court erred in construing the income at Rs. 9,000 per month and in assessing his functional disability at 40%, despite overwhelming evidence of severe injuries to his arm, ribs, and head that have virtually incapacitated him from working as a driver or performing any physically demanding job. He contends that permanent damage to his arm, internal injuries affecting his breathing, and disfiguring scars on his face have a far greater impact on his earning capacity, social life, and overall quality of life than what has been recognized. According to the claimant, the disability certificate, medical treatment records, and the testimony of the treating doctor clearly show that he faces continuous limitations in lifting and driving. However, the courts below erroneously concluded that he remains employable.

10.1. He further asserts that the High Court overlooked material aspects such as prolonged treatment, future medical complications, entitlement to compensation for pain and suffering, and the legal principle that self-employed persons do not have a fixed age of retirement. The claimant further contends that police investigation and chargesheet unequivocally establish that he was not at fault, and therefore his claim deserved a liberal and just consideration.

10.2. Claimant further contends that compensation awarded is grossly inadequate even after enhancement, given his functional

impairment, internal injuries, continuing medical needs, and the settled principle that disability must be assessed with reference to the claimant's occupation. Relying on decisions of this Court, the claimant asserts that his loss of earning capacity should be treated as substantially higher, if not 100%, and that the computation of loss of future income must extend beyond the age of 60. He accordingly submits that impugned order fails to meet the standard of "just compensation" and prays for suitable enhancement by this Hon'ble Court.

11. Mr. Satyendra Kumar, Counsel appearing on behalf of Insurance company would support the impugned order and contends that the High Court has already awarded compensation exorbitantly in favour of the claimants, thus contended that there is no further scope for enhancement of the compensation. Hence, he prays for dismissal of the Appeal.

12. Having heard the learned counsel for the parties and upon perusal of the material on record, the following points would arise for our consideration:

I. *Whether the compensation awarded by the Tribunal and as enhanced by the High Court constitutes just and fair compensation and if not, whether it warrants further enhancement?*

II. *What order?*

RE POINT – I

13. Insofar as the issue of enhancement is concerned, we are of the considered view that the total compensation awarded by the High

Court is on the lower side. The Tribunal's assessment of the claimant's income at Rs. 5,000 per month and the enhancement to Rs. 9,000 per month by the High Court do not, in our opinion, reflect a reasonable estimate for a person who is in the occupation as auto-driver. Even in smaller towns, an auto-driver earns monthly income which is ordinarily higher than minimum wages earned by a skilled worker. This Court has consistently held that notional income for self-employed persons must be computed keeping in view prevailing economic realities. A just and reasonable assessment of the claimant's income, therefore, would be Rs. 10,000 per month. We, however, affirm the finding of the Tribunal regarding the assessment of 40% permanent disability to the whole body, as the same is based on cogent evidence. Proceeding on this basis, and adding 25% towards future prospects, the monthly notional income would stand at Rs. 12,500 and applying the whole-body disability of 40% and the multiplier of 14, the claimant would be entitled to Rs. 8,40,000 ($12,000 + 25\% = 12,500 \times 12 \times 14 \times 40\%$) under the head of loss of future earnings.

14. We affirm the compensation awarded by the High Court under the heads of pain and suffering, nutritious food and attendant charges, travel expenses, and medical and hospital expenses. However, we find merit in enhancing the amount awarded towards loss of income during the period of treatment. Having regard to the nature of the injuries sustained and the treatment undergone, we are of the considered view that claimant would have remained incapacitated at least for a period of two months and as rightly held by the Tribunal. The claimant is,

therefore, entitled to Rs. 20,000/- (Rs. 10,000 × 2 months) under the head of loss of income during treatment.

15. We are, therefore, of the considered view that the claimant is entitled to an overall enhancement of compensation from Rs. 9,58,698/- to Rs. 10,52,698/-, as detailed hereinbelow:

Sl. No.	Head	Amount (In Rs)
1.	Loss of Future income	8,40,000
2.	Pain and Suffering	50,000
3.	Nutritious food and Attendant Charges	8,000
4.	Conveyance charges	15,330
5.	Medical/Hospital Bills	1,19,368
6.	Loss of income during treatment	20,000
7.	Total	10,52,698

16. Consequently, the appeal is allowed in part. The compensation awarded by the High Court is modified and in substitution thereof a sum of Rs. 10,52,698/- is awarded which shall carry interest @ 6% per annum from the date of filing of the claim petition, till payment or deposit whichever is earlier. The insurer/Respondent No.3 herein is directed to deposit the said amount with the jurisdictional Tribunal,

excluding the amount already paid or deposited within eight weeks from today. There shall be no order as to costs. Pending applications if any shall stand disposed of.

.....J.
(ARAVIND KUMAR)

.....
.....J.
(N.V. ANJARIA)

**New Delhi,
November 25, 2025.**

ITEM NO.21

COURT NO.15

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. _____ of 2025
@ SLP (C) No. 27247/2024

Petition(s) for Special Leave to Appeal (C) No(s). 27247/2024

[Arising out of impugned final judgment and order dated 20-02-2024 in MA No. 1006/2020 passed by the High Court of Madhya Pradesh at Indore]

ANWAR HUSAIN

Petitioner(s)

VERSUS

IRFAN KHAN & ORS.

Respondent(s)

Date : 25-11-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :Mr. Chand Qureshi, AOR
Mr. Mujahid Ahmad, Adv.
Mr. Md.imran Siddiqui, Adv.
Mr. Mohd Shahzad Ansari, Adv.
Mr. Vijay Kumar, Adv.
Mr. Sundeep Pandhi, Adv.
Mr. Rahul Mohod, Adv.
Mr. Sanjay Gyan, Adv.
Mr. Heera Singh, Adv.

For Respondent(s) :Mr. Satyendra Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Appeal is partly allowed in terms of the Signed Order placed on the file.

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

(MINI)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)