

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

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2025**  
(Arising out of SLP (C) No. 20469/2025)

**RAJENDRA CHAKRAWARTI**

**... APPELLANT(S)**

**VERSUS**

**DINESH KUMAR YADAV  
& ANR.**

**...RESPONDENT(S)**

**ORDER**

<b>Time taken for disposal of the claim petition by MACT</b>	<b>Time taken for disposal of the appeal by the High Court</b>	<b>Time taken for disposal of the appeal in this Court</b>
5 years, 10 months, 18 days	2 years, 3 months, 13 days	10 months, 18 days

Leave granted.

2. This appeal is directed against the judgment and order dated 12<sup>th</sup> March 2024 passed in Miscellaneous Appeal No.2914 of 2021 by the High Court of Madhya Pradesh at Jabalpur, which, in turn, was preferred against the order dated 2<sup>nd</sup> September 2021 in Case No.93 of

2015 passed by the Ninth Motor Accident Claims Tribunal, Katni (M.P.).

3. The uncontroverted facts surrounding this appeal are that on 25<sup>th</sup> June 2015, a motorcycle bearing registration no. MP-21-MF-6630 (*the offending vehicle*), owned & driven by Respondent No.1, recklessly dashed into the vehicle of the claimant-appellant from the front. The claimant-appellant, aged 35 years, who was working as a mason, sustained various injuries, including a fracture in the fibula bone and injuries in the ligament membrane of his knee.

4. An application seeking compensation was filed by the claimant-appellant, under Section 166 of the Motor Vehicles Act, 1988, before the Tribunal, seeking compensation to the tune of approximately Rs.13,00,000/-. He claimed his earnings to be Rs.15,000/- per month as a mason at the time of the accident.

5. The Tribunal, *vide* its order, held Respondent Nos. 1 and 2 jointly and severally liable to compensate the claimant-appellant with an amount of Rs.1,68,654/- along with 6% interest per annum. The monthly income of the claimant-appellant was determined on a notional basis as Rs.5,939/- per month, and the whole-body disability assessed at 3% by the Tribunal. The claimant-appellant was further awarded compensation under various heads, as per law, by the Tribunal.

6. Aggrieved thereof, the claimant-appellant filed an appeal before the High Court seeking enhancement of the amount of compensation awarded by the Tribunal. A challenge was laid to the assessment of his monthly income and on the ground that the compensation awarded by the Tribunal was on the lower side.

7. The High Court, *vide* the impugned order, allowed the appeal and enhanced the total compensation by Rs. 92,109/-, thus the total amount was brought to Rs. 2,60,763/- along with 6% interest per annum from the date of filing of the claim petition. Given the nature of his earlier occupation and injuries sustained due to the accident, the functional disability of the claimant-appellant was reassessed to 6% and his monthly income determined at Rs 6,200/- per month.

8. Yet dissatisfied, the claimant-appellant is now before us. The significant grounds raised are that – (i) his monthly income has been incorrectly assessed; (ii) interest awarded is on the lower side; and (iii) inadequate amount has been awarded under the conventional heads.

9. We have heard the learned counsel for the parties and the *Amicus Curiae*, Mr. Prince Singh, who has ably assisted this court. Now, we proceed to decide the matter.

**10.** The aspect of income can be put to rest with a simple observation that no proof whatsoever has been attached to show that the claimant-appellant was earning Rs.15,000/-. That being the case, we find no reason to interfere with the conclusion of the High Court, which has correctly assessed the claimant-appellant's income at Rs.6,200/- per month. It has to be acknowledged that in professions such as masonry, wherein there can be no guarantee of fixed amount of work or, for that matter, documented payments, the Courts and Tribunals must be careful in determining income, maintaining a judicious balance in taking an amount which is fair to the claimant, while also ensuring that the amount so taken is not lacking basis or that the same is not exorbitant in nature.

**11.** Insofar as the disability is concerned, keeping in mind the fact that masonry is an intensively physical vocation, the 10% disability computed by the doctor *qua* the injured leg appears to be justified in the attending facts and circumstances of this case. We therefore reassess the disability and take it to be 10%. Consequently, as far as compensation under the head of pain and suffering is concerned, we fix the same to be Rs. 80,000/-, as opposed to Rs. 40,000/- as awarded by the High Court.

**12.** As a result of the discussion above, the compensation payable to the claimant-appellant in accordance with law is as follows:

## FINAL COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs. 6,200/-	<b><i>National Insurance Co. Ltd. v. Pranay Sethi</i></b> (2017) 16 SCC 680 <i>Para 42 &amp; 59.4</i>
Yearly Income	Rs.74,400/-	
Future Prospects (40%), age 35 years	74,400/- + 29,760/- = Rs. 1,04,160/-	
Multiplier (16)	2,26,800/- x 18 = Rs. 16,66,560	
Permanent Disability (10%)	10% of 16,77,040/- = Rs. 1,66,656/-	<b><i>Arvind Kumar Mishra v. New India Assurance Co. Ltd.,</i></b> (2010) 10 SCC 254 <i>Para 13 and 14</i>
Loss of Income/Future Earnings due to Disability	Rs. 1,66,656/-	
Medical Expenses	Rs. 1,00,258/-	<b><i>Kajal v. Jagdish Chand</i></b> (2020) 4 SCC 413 <i>Para 19, 25 and 28</i>
Pain and Suffering	Rs 80,000/-	<b><i>K.S. Muralidhar v. R. Subbulakshmi and Anr.</i></b> 2024 SCC Online SC 3385 <i>Para 13 and 14</i>
Special Diet & Transportation	Rs. 20,505/-	<b><i>Parminster Singh v. Honey Goyal</i></b> 2025 SCC Online SC

		567 Para 10,11 & 12
<b>TOTAL</b>	Rs. 3,67,419/-	

Thus, the difference in compensation is as under:

<b>MACT</b>	<b>High Court</b>	<b>This Court</b>
Rs. 1,68,654/-	Rs. 2,60,763/-	Rs. 3,67,419/-

**13.** The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 2<sup>nd</sup> September 2021 in Case No.93 of 2015 passed by the Ninth Motor Accident Claims Tribunal, Katni (M.P.), as modified in terms of the impugned order dated 12<sup>th</sup> March 2024, passed in Miscellaneous Appeal No.2914 of 2021 by the High Court of Madhya Pradesh at Jabalpur, stands modified accordingly. Interest to be paid at a rate of 7% per annum from the date of filing the claim petition. The period of delay of 194 days in filing this appeal is to be excluded for such computation of interest.

**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 claimant-appellant to the learned counsel for the respondent. The amount be remitted positively within a period of four weeks, thereafter.

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

.....J.  
(SANJAY KAROL)

.....J.  
(SATISH CHANDRA SHARMA)

**New Delhi;  
17<sup>h</sup> November, 2025**