

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1613 OF 2025

Akshay Rajendra Jangam And Anr.	...Appellants
<i>Versus</i>	
Shriram General Insurance Co. Ltd.And Anr.	...Respondents

Mr. Yogesh Pande a/w Mr. Himanshu Jha, for the Appellants.
Mrs. Shalini Shankar (On V. C.), for the Respondent No.1.

CORAM : R. M. JOSHI, J.

DATED : 25th FEBRUARY, 2026

PC:-

1. This Appeal is for enhancement of compensation granted by Judgment and Award dated 11.01.2016 passed in Motor Accident Claims Petition No. 852 of 2011 whereby injury claim filed by the claimant as a party directing opponents to pay jointly and severally a sum of Rs.17,70,910/- (Rupees Seventeen Lakh Seventy Thousand Nine Hundred Ten Only) at the interest of 7.5% p.a. from the date of filing of the claim till realization of the amount.
2. The claimant is aggrieved by the quantum of compensation awarded by the Tribunal and hence present Appeal is filed seeking enhancement thereon.
3. Learned Counsel for the Appellants submits that the Tribunal has committed serious error in not considering the contributed negligence of the claimant in the occurrence of the

accident to the extent of 25% solely on the ground that the claimant was not holding valid and effective driving licence. It is his contention that on the basis of the said fact, negligence cannot be attributed against the claimant. According to him, there is no evidence to indicate any negligence on the part of the claimant to the occurrence of the accident and hence in order passed by the Tribunal holding claimant having contributed to the occurrence of the accident deserves interference. To support his submission he placed reliance on the judgment of Hon'ble Supreme Court in case of ***Dinesh Kumar J. Vs. National Insurance Co. Ltd. and Ors. [Civil Appeal No. 22966 of 2017 (Arising out of SLP (C) No. 27398 of 2016)]***.

4. On quantum, it is his submission that the Tribunal has determined the amount of compensation by holding notional income @ Rs.4,000/- p.m.. It is his submission that, having regard to the minimum wages at the relevant time, the said determination is on lower side. It is his submission that, the claimant by the notional income deserves to be accepted atleast Rs.10,000/- p.m. with 40% addition thereto towards future prospects as contemplated in the Judgment of the Hon'ble Supreme Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and Ors [(2017) 16 SCC 680]***. It is his further submission that Tribunal has paid compensation to the fact that this is a case of paraplegic patient and for entire life the claimant is going to be a bedridden person. It is his submission that the Tribunal ought to have granted just compensation for pain and suffering, loss of marital prospect and attendant

charges. In support of his submission he placed reliance on the Judgment of the Hon'ble Supreme Court in the case of *Kajal Vs. Jagdish Chand and Ors. [Civil Appeal No. 735 of 2020]*. Learned Counsel for the claimant further submitted that claimant is bedridden, there is evidence before the Tribunal indicating that atleast for the period of two years claimant was under treatment in seven different hospitals. It is his contention that in this case the grant of conveyance and special diet of Rs.50,000/- is insufficient.

5. Learned Counsel for the insurer opposed the Appeal. It is her contention that considering the evidence on record, the Tribunal has rightly determined the amount of compensation to accepting notional income @ Rs.4,000/- he being student. It is her further submission that the Tribunal has recorded reason for holding claimant having contributed in the occurrence of the accident and hence the Judgment impugned does not deserve interference.

6. There is no dispute made by the parties with regard to the fact that on 16.07.2011 claimant was driving motor cycle bearing No. MH-41/347 from Dindori to Nashik side and when he reached at the spot of accident there was dash between his motorcycle and truck bearing No. MH-18/M-3388. As a result of the said dash claimant sustained serious injuries and was hospitalised. There is further no dispute that from the date of accident, at least for a period of two years thereafter he was taken to seven different hospitals for treatment. There is further

no denial of the fact that due to injuries caused in the accident, the claimant has become paraplegic

7. Ld. Tribunal has accepted the notional income claimed @ Rs.4,000/- p.m.. Therefore, question arises as to whether the said assessment is correct. Having regard to the minimum wages in different trades and industries, it could be safely said that the notional income could be considered as average of minimum wages @ Rs.10,000/-. By following judgment of the Hon'ble Supreme Court in the case of **Pranav Sethi (Supra)**, even in case injury claim the future prospects are required to be granted which in the present case would be 40%. Thus the calculation of the compensation for loss of earning requires to be re done.

8. As far as the compensation granted on the ground of pain and suffering, it is relevant to take into consideration the Judgment of the Hon'ble Supreme Court in the case of ***K. S. Muralidhar Vs. R. Subbulakshmi & Anr. [SLP (C) No. 18337 of 2021]*** where in similar set of facts of compensation of Rs.15,00,000/- was granted under the head '*pain and suffering*'. So also in same judgment a further compensation of Rs. 3,00,000/- came to be awarded for loss of marital prospect.

9. Needless to say that, since the claimant is going to be bedridden for rest of his life, he will require an attendant. The claimant therefore would be entitled to receive compensation for future attendant charges. The said amount is considered @ Rs.3,000/- p.m.. Since the amount is paid towards the attendant charges in advance, same shall take care of the inflation.

By applying multiplier of 18, computation of compensation is done as under :-

<u>Sr.No.</u>	<u>Calculation of Compensation</u>	<u>Amount (in Rupees)</u>
(I)	Notional Income of Claimant Rs. 10,000/- per month (Rs.10,000/- x 12 x 18)	21,60,000/-
(II)	+ 40% future prospects	8,64,000/-
Total		30,24,000/-
(III)	Pain & Suffering	15,00,000/-
(IV)	Loss of Marital Prospects	3,00,333/-
(V)	Attendance Charges (Rs.3000/- x 12 x 18)	6,48,000/-
(VI)	Medicine Charges	9,13,211/-
(VII)	Future Medical Charges	3,00,000/-
(VIII)	Conveyance Charges	1,00,000/-
(IX)	Special Diet	1,00,000/-
(X)	Compensation Entitled	68,85,211/-
(XI)	Paid by Respondent Insurance Company	17,70,910/-
(XII)	Enhanced Amount Entitled with 7.5% interest	51,14,301/-

10. In view of the above discussion, the appeal deserves to be allowed to aforesaid extent. Hence, order :-

- (i) Appeal stands allowed
- (ii) The claimant is entitled to receive Rs.51,14,301/- (Rupees Fifty One Lakh Fourteen Thousand Three Hundred and One Only) in addition to the compensation granted by the Tribunal.

- (iii) The claimant however would not be entitled to receive interest on the enhanced amount from the date of Judgment and Award impugned till filing of this Appeal.
- (iv) It is clarified that claimant is entitled to receive interest @ 7.5% p.a. on enhanced amount for period during the pendency of the claim petition before the Tribunal so also after filing of the Appeal.
- (v) Respondents are directed to deposit the said amount within a period of eight weeks along with accrued interest thereon.
- (vi) Parties are at liberty to withdraw it as per Rule.
- (vii) Claimants to pay additional Court Fees on enhanced amount of compensation as per Rule.

(R. M. JOSHI, J.)

VDMokal/-