IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CIVIL) NO. 17611 OF 2024)

ALOK KUMAR SUR — APPELLANT(S)

VERSUS

NATIONAL INSURANCE COMPANY LTD. & ANR. — RESPONDENT(S)

O R D E R

1. Leave granted.

2. On 30.08.2007 at 8:10 hours, the appellant was trying to board a bus bearing Registration No.WB23A/7293. The bus suddenly started moving in order to overtake another bus of route No. 230. As a result, the appellant fell down and suffered fracture injuries on both legs. He was taken to hospital where he was admitted and was treated for over a month till 19.09.2007. Accordingly, he suffered a permanent partial disability of 35%. He was working as a Head Cashier at United Bank of India and was earning a gross salary of Rs.24,964.85. Assessing these relevant circumstances, the Motor Accident Claims Tribunal ("MACT") awarded compensation of Rs. 11,44,987/- with 5% interest per annum from the date of filing of the application, and in default, to carry a compound interest at the rate of 9% per annum till realization. On appeal by the insurance company, the amount came to be reduced by the High Court to Rs. 2,23,709/- with interest at 5% per annum.

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Reason:

3. We have heard the submissions at the bar. We have also gone through the impugned judgment.

4. The moot issue which weighed with the High Court to reduce the amount is the fact that the appellant was working as a Head Cashier and his earning potential had not been adversely affected due to permanent partial disablement of 35%. We are unable to agree with such finding of the High Court. The evidence on record clearly show that the appellant had suffered permanent partial disablement of 35% and was working as a computer operator in the bank. No evidence is forthcoming that such disablement had not affected his efficiency or the possibility of his further growth in the establishment where he was employed. The High Court delved in the realm of speculation and incorrectly reduced the compensation awarded to the claimant.

5. Given these circumstances, we set aside the order of the High Court and restore the order passed by the Tribunal. The appeal is allowed.

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
NOVEMBER 16, 2026.

ITEM NO.44 COURT NO.18 SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 17611/2024

[Arising out of impugned judgment and order dated 12-03-2024 in FMA No. 1068/2017 passed by the High Court at Calcutta]

ALOK KUMAR SUR **Petitioner(s)**

VERSUS

NATIONAL INSURANCE COMPANY LTD. & ANR. **Respondent(s)**

Date : 16-11-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Mr. Bijan Kumar Ghosh- 1148, AOR

For Respondent(s) : Mr. Sanjeev Kumar Aggarwal, Adv.
Mr. Sunder Lal Gupta, Adv.
Mrs. Gunjan Sharma, Adv.
Mr. Rajesh Ranjan Prasad, Adv.
Mr. Dharma Datta Verma, Adv.
Mr. Bhupendra Singh, Adv.
Mr. Mohit Kumar Gupta, Adv.
Mr. Sanjeev Kumar- 2611, AOR
Mr. Abhishek Krishna, Adv.
Mr. Hira Singh Rawat, Adv.
Mr. Sandeep Lamba, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA) **(PREETHI DILEEP KUMAR)**
ASTT. REGISTRAR-cum-PS **DY. REGISTRAR**

(Signed order is placed on the file)