IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CIVIL) NO. 30952 OF 2024)

KALASH JAISWAL **APPELLANT(S)**

VERSUS

AMAR KUMAR CHOUDHARY & ANR. **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. This appeal, at the instance of the injured claimant, arises from the judgment dated 29.08.2024 ("impugned judgment") of the High Court of Jharkhand at Ranchi ("High Court") in Miscellaneous Appeal No. 506 of 2019. In that judgment, the High Court partly allowed the Appellant's appeal and enhanced the compensation awarded by the Motor Vehicles Accident Claims Tribunal, Ranchi ("Tribunal"), vide award dated 23.03.2017 ("Award") in Compensation Case No. 2 of 2008. The Appellant seeks further enhancement of the compensation.

3. Briefly stated, on 15.01.2007, the Appellant, then about five years old, was returning home from tuition classes in District Khunti, Jharkhand, when she was struck by a truck bearing Registration No. BEN-6276 ("offending vehicle"), which ran over her right foot. She was taken to the Sub-Divisional Hospital, Khunti, referred to RIMS, Ranchi, and thereafter shifted to Nagarmal Modi Sewa Sadan, Ranchi, for treatment. All five toes of her right foot

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NITIN TALREJA
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Reason:

were amputated. As certified by the Civil Surgeon-cum-Chief Medical Officer, Khunti, she has suffered a permanent 50% disability of her right leg, which is non-progressive and not likely to improve. Consequently, a criminal case was registered against the driver of the offending vehicle under Sections 279, 337 and 338 of the Indian Penal Code, 1860, and a chargesheet was filed.

4. The Appellant, then a minor, through her father and natural guardian, claimed compensation of Rs. 5,00,000/- with interest. Respondent No. 1, the owner of the offending vehicle, admitted ownership and insurance, while Respondent No. 2, The New India Assurance Co. Ltd. ("Insurer"), contested the claim. The Tribunal held that the accident was caused by the rash and negligent driving of the offending vehicle and fastened the liability on the Insurer. Taking the Appellant's notional income at Rs. 3,000/- per month, i.e., Rs. 36,000/- per annum, and her functional disability at 50%, it computed the loss of earnings at Rs. 2,70,000/- by applying a multiplier of 15 to Rs. 18,000/- per annum. It further awarded Rs. 1,00,000/- towards pain and suffering, Rs. 2,00,000/- towards loss of enjoyment of life and Rs. 39,928/- towards medical expenses, i.e., a total of Rs. 6,09,928/-, with interest at 12% per annum from the date of the Award. Interest for the period during which the claim was pending was declined, as the delay was attributed to the claimant.

5. In the Appellant's appeal, the High Court enhanced the compensation towards pain and suffering to Rs. 3,00,000/- and

towards loss of enjoyment of life to Rs. 5,00,000/-, retained the loss of earning at Rs. 2,70,000/-, and recalculated the compensation at Rs. 10,70,000/-, with simple interest at 6% per annum from the date of the accident till payment.

6. We have heard learned counsel for the parties and perused the record. The occurrence of the accident and the liability of the Insurer are not in dispute. The only question is the adequacy of the compensation.

7. The Appellant was a child of tender age when she lost all five toes of her right foot, and the resulting permanent disability will remain with her for the rest of her life. Keeping in view her age at the time of the accident, the nature of the injuries, the permanent disability and the lapse of time, we deem it just and proper to enhance the compensation to Rs. 12,00,000/- (Rupees Twelve Lakhs only), in place of Rs. 10,70,000/- awarded by the High Court. The enhanced amount shall carry simple interest at 6% per annum from the date of the accident till payment, as directed by the High Court.

8. The Insurer shall pay the enhanced compensation, along with interest as aforesaid, to the Appellant within six weeks from today, after adjusting any amount already paid or deposited. The amount shall be remitted directly into the bank account of the Appellant, who has since attained majority, the particulars of which shall be furnished by her learned counsel to learned counsel

for the Insurer. In case of default, the amount of Rs. 12,00,000/- shall carry additional simple interest at 6% per annum from the expiry of the said period of six weeks till the date of payment.

9. The appeal is allowed in the above terms. The Award, as modified by the impugned judgment, stands further modified accordingly. There shall be no order as to costs.

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

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

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

NEW DELHI;
NOVEMBER 16, 2026.

ITEM NO.48 COURT NO.1 SECTION XVII-B

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). 30952/2024

[Arising out of impugned judgment and order dated 29-08-2024 in MA No. 506/2019 passed by the High Court of Jharkhand at Ranchi]

KALASH JAISWAL Petitioner(s)

VERSUS

AMAR KUMAR CHOUDHARY & ANR. Respondent(s)

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

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

For Petitioner(s) :Ms. Nandini Sen Mukherjee- 2199, AOR

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

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 disposed of.

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

(Signed order is placed on the file)