

Tribunal (Main), Panchmahals at Godhra, from Rs. 1,55,680/- to Rs. 6,38,140/-.

3. The brief facts are that on November 11, 1996, the deceased, Maheboob Hajiya, a 28-year-old skilled truck driver, was driving a truck (Registration No. GJ-17-T-7379) loaded with wheat from Godhra toward Vapi. At approximately 1:15 a.m. near Rajvad village, a luxury bus (Registration No. GJ-1-V-1836) collided head-on with the truck. The deceased sustained grievous injuries, including a ruptured spleen, and succumbed to them at the Civil Hospital in Navsari.

4. The Tribunal, in its award dated August 23, 2007, assessed the deceased's monthly income at Rs. 1,800/- based on minimum wages and attributed 60% contributory negligence to the deceased. The High Court upheld this income assessment and the negligence ratio but enhanced the conventional heads.

5. Having heard the learned counsel for the parties and perused the record, we find that the assessment of income at Rs. 1,800/- is unconscionably low for a skilled driver of a heavy vehicle. Following the

principles laid down in *Chandra v. Mukesh Kumar Yadav*¹ and *Ramachandrappa v. Manager, Royal Sundaram Alliance Insurance Co. Ltd.*², we accept the assertion that a skilled driver's income should not be mechanically tied to minimum wage notifications when the claim is reasonable.

6. Consequently, in the attending facts, based on the material on record, we take the monthly income of the deceased to Rs. 6,000/-. Insofar as the finding of contributory negligence is concerned, nothing has been placed on record before us to sufficiently contravene the same, and as such, it is upheld. Any compensation awarded by this Court in terms of this order shall suffer a reduction of 60%.

7. In accordance with *National Insurance Co. Ltd. v. Pranay Sethi*³, an addition of 40% is made towards future prospects. Given the number of dependents, which included the widow, minor son, and parents, a deduction of 1/3 is taken towards personal and living expenses.

1 (2022)1 SCC 198

2 (2011)13 SCC 236

3 (2017) 16 SCC 680

8. Based on the aforementioned findings, the final compensation is re-calculated as follows:

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.6,000 /-	
Yearly Income	Rs.72,000/-	
Future Prospects (40%), age 28 years	28,800(40% of 72,000) + 72,000 = Rs. 1,00800/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i>
Multiplier (17)	1,00800 x 17 = Rs. 17,13,600/-	(2017) 16 SCC 680 <i>Para 42 & 59.4</i>
Deduction (1/3 rd)	17,13,600 - 5,71,200(1/3 of 17,13,600)= Rs.11,42,400/-	
Loss of Income/Future Earnings due to Disability	Rs.11,42,400/-	
Loss of Consortium	48400 x 3 = 1,45,200/-	
Loss of Estate	Rs. 18,150/-	
Funeral Expenses	Rs. 18,150/-	
TOTAL	Rs. 13,23,900/-	

The difference in compensation is as under :

MACT	High Court	This Court
Rs. 3,89,200/-	Rs. 4,82,460	Rs. 13,23,900/-

9. The Civil Appeal is allowed in the aforesaid terms. The total amount of Rs. 13,23,900/- (Rupees Thirteen Lakh Twenty-Three Thousand Nine Hundred Only) shall carry interest at the rate of 9% per annum, as awarded by the Tribunal, from the date of filing the claim petition until realization. The issue of liability remains untouched.

The amount, after deducting whatever stands paid, shall be directly remitted into the bank account of the claimant (legal heir of the deceased). The particulars of the bank account are to be immediately supplied by the learned counsel / amicus curiae for the appellant to the learned counsel for the respondent. The amount be remitted positively within a period of eight weeks thereafter. The period of delay in filing this appeal shall be excluded during the computation of interest.

10. Before parting with this matter, we may observe that this case presents a difficult scenario. It took more than ten years for the Tribunal to decide the claim petition, and thereafter, an appeal thereagainst remained pending before the High Court for seventeen years. While we do not go into the reasons for such prolonged pendency, we are conscious of the fact that the amount of compensation payable to the claimants under law does not suitably account for the number of years spent litigating the matter in the courts. In these exceptional circumstances, therefore, we award litigation costs to the tune of Rs. 1,50,000/-. This component shall also carry interest as stipulated by the courts below, from the date of filing of the claim petition. For the purpose of ample award, it is ordered that the insurance company shall pay these costs.

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

.....J.
(SANJAY KAROL)

.....J.
(AUGUSTINE GEORGE MASIH)

New Delhi
March 17, 2026

ITEM NO.54

COURT NO.11

SECTION III-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).599/2026

[Arising out of impugned final judgment and order dated 05-03-2025 in FA No. 2249/2009 passed by the High Court of Gujarat at Ahmedabad]

FARIDABEN MAHEBUB HAJIYA & ANR.

Petitioner(s)

VERSUS

THE NATIONAL INSURANCE COMPANY LIMITED
& ORS.

Respondent(s)

Date : 17-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :Mr. Mehmood Umar Faruqui, AOR
Mr. Md. Zeeshan Ali, Adv.
Mr. Amit Pandey, Adv.

For Respondent(s) :Mr. Amit Kumar Singh, AOR
Ms. K Enatoli Sema, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Ms. Awantika Manohar, AOR
Ms. Parul Dhurvey, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.

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

(HARPREET KAUR)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)