

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS..... OF 2026  
(@Special Leave Petition (Civil) Nos.2568 of 2026)

WASIM AKRAM S/o. AMIR HAMZA . . . APPELLANT (S)

VERSUS

SANTOSH & ANR. . . .RESPONDENT (S)

With

CIVIL APPEAL NOS..... OF 2026  
(@Special Leave Petition (Civil) Nos.3129 of 2026)

O R D E R

Time taken for disposal of the claim petitions by the MACT	Time taken for the disposal of appeals by the High Court	Time taken for the disposal of the appeals in this Court
1 year 8 months 14 days	6 years 1 day	3 months 28 days

IN SPECIAL LEAVE PETITION (C) No. 2568/2026

Leave granted.

2. This appeal by the claimant-appellant is directed against the final judgment and order dated 10.09.2024

passed by the High Court of Karnataka, Circuit Bench at Dharwad, in Miscellaneous First Appeal No. 102507 of 2018. By the said order, the High Court partly allowed the appeal filed by the appellant, enhancing the compensation from Rs. 35,48,950/- (as awarded by the Motor Accident Claims Tribunal) to Rs. 53,55,650/-. Still aggrieved by the quantum of enhancement and the adoption of a low notional income, the appellant has approached this Court under Article 136 of the Constitution of India.

3. It is undisputed that on 21.09.2015, at approximately 08:10 P.M., the appellant, Wasim Akram, was travelling as the rider of a motorcycle (Registration No. KA-47/K-0457) with a pillion rider near Jewel Park Hotel at Hemmady Village. At that juncture, a bus (Registration No. KA-19/C-6259), belonging to Respondent No. 1 and insured with Respondent No. 2, was driven in a highly rash and negligent manner on the wrong side of the road and collided head-on with the motorcycle.

The impact of the collision was so severe that it resulted in life-altering catastrophic injuries to the

appellant. As per the medical records and the deposition of Dr. Ashwath Acharya (PW-4), the appellant sustained:

- *Traumatic amputation of the right lower limb at the level of the knee joint.*
- *Deep lacerations in the right groin and perineal region with bowel herniation, necessitating a colostomy.*
- *Near total amputation and extensive tissue loss in the right elbow.*
- *Fractures of the right femur (trochanteric) and open pelvic fractures.*
- *Acute subdural haemorrhage.*

4. The appellant underwent multiple major surgical procedures and was inpatient at KMC Hospital, Manipal, for a cumulative period of 64 days across several admissions between 2015 and 2016. The medical records confirm that even after discharge, the appellant has remained under constant care, suffering from severe restrictions in the movement of his right hip and upper limb, and remains dependent on a prosthetic leg and the use of a colostomy bag for daily functions.

5. The Additional MACT, Bhatkal, in MVC No. 6/2016, held that the accident occurred solely due to the negligence of the bus driver. However, the Tribunal assessed the

appellant's income at a meager Rs. 12,000/- per month and determined his whole-body disability at 95%, awarding a total compensation of Rs. 35,48,950/-. On appeal, the High Court of Karnataka marginally enhanced the notional income to Rs. 15,000/- per month and applied a 40% addition for future prospects, bringing the total compensation to Rs. 53,55,650/-.

6. The learned counsel for the appellant argued that the High Court erred in adopting a notional income of Rs. 15,000/-. It was submitted that the appellant was a skilled professional driver in Kuwait, earning approximately Rs. 67,200/- to Rs. 84,000/- per month (based on a salary of 300 to 375 Kuwaiti Dinars). It was further contended that for a professional driver, the amputation of a leg constitutes 100% functional disability as he can never drive again.

7. Per contra, the learned counsel for the Insurance Company (Respondent No. 2) contended that the assessment of income by the High Court was just and fair in the absence of bank statements or income tax returns. It was

submitted that a medical disability of 95% does not automatically translate to 100% economic loss.

8. This Court in *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343 and recently in *Chandra Mogera v. Santhosh A Ganachari* (2025) has held that permanent physical disability must be translated into the percentage of economic loss based on the vocation of the injured. The appellant herein was a skilled driver. The amputation of his right leg and the significant loss of power in his right elbow and wrist unequivocally render him unfit to drive any motor vehicle. Therefore, we hold that for the purpose of assessing loss of future earnings, the appellant's functional disability is 100%.

9. The High Court's assessment of Rs. 15,000/- as notional income is overly conservative. Taking note of the documentary evidence produced (Ex. P-6 and P-11) regarding the appellant's employment as a driver in Kuwait and considering the skilled nature of his work, we assess his monthly income at Rs. 40,000/-.

10. At the time of the accident, the appellant was 27 years of age. In line with the principles laid down in

*National Insurance Co. Ltd. v. Pranay Sethi*<sup>1</sup>, a 40% addition for future prospects is granted, since the appellant was below 40 years, an addition of 40% towards future prospects is mandatory.

11. Further, in our opinion, the claimant-appellant is also entitled to compensation under the various conventional heads in terms of the law laid down by this Court in *Kajal v. Jagdish Chand*<sup>2</sup>, *Sidram v. Divisional Manager, United India Insurance Co. Ltd*<sup>3</sup>. and *K.S. Muralidhar v. R. Subbulakshmi and Another*<sup>4</sup>.

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

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.40,000/-	
Yearly Income	Rs.4,80,000/-	
Future Prospects (40%), age 27 years	4,80,000 + 1,92,000 = Rs. 6,72,000/-	<i>National Insurance Co. Ltd. v.</i>

<sup>1</sup> (2017) 16 SCC 680

<sup>2</sup> (2020) 4 SCC 413

<sup>3</sup> (2023)3 SCC 439

<sup>4</sup> 2024 SCC Online SC 3385

Multiplier (17)	6,72,000 x 17 = Rs. 1,14,24,000/-	<i>Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 42 &amp; 59.4</i>
Permanent Disability (100%)	100% of 1,14,24,000 = Rs. 1,14,24,000/-	<i>Arvind Kumar Mishra v. New India Assurance Co. Ltd.,</i> (2010) 10 SCC 254 <i>Para 13 and 14</i>
Loss of Income/Future Earnings due to Disability	Rs. 1,14,24,000/-	
Medical Expenses	Rs. 8,50,850/-	
Special Diet & Nourishment and medical treatment	Rs. 50,000/-	<i>Sidram v. Divisional Manager, United India Insurance Ltd.</i> (2023) 3 SCC 439 <i>Para 89 and 111</i>
Pain and Suffering	Rs. 1,50,000/-	<i>K.S. Muralidhar v. R.</i>
Future medical Expenditure	Rs. 1,00,000/-	<i>Subbulakshmi and Anr.</i> 2024 SCC Online SC 3385 <i>Para 13 and 14</i>
Loss of Happiness & Amenities	Rs. 75,000/-	<i>Raj Kumar v. Ajay Kumar</i> (2011) 1 SCC 343 <i>Para 6</i>
<b>TOTAL</b>	<b>Rs. 1,26,49,850/-</b>	

The difference in compensation is as under:

MACT	High Court	This Court
Rs. 35,48,950/-	Rs. 53,55,650/-	Rs. 1,26,49,850/-

13. The findings of the Trial Court and High Court regarding liability are maintained. The liability of Respondent No. 1 (Owner) and Respondent No. 2 (Insurer) shall remain joint and several.

14. To balance the interests of the claimant and the insurer, we direct the Respondent No. 2 (Insurer) to pay the entire enhanced compensation amount of Rs. 1,26,49,850/- (Rupees One Crore Twenty-Six Lakhs Forty-Nine Thousand Eight Hundred and Fifty only), along with interest as awarded by the Tribunal i.e. 6% per annum from the date of the claim petition until realization, within eight weeks from today.

15. 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 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.

16. We clarify that it shall be open for the insurer to recover the amount from the owner or driver of the offending vehicle in accordance with law.

IN SPECIAL LEAVE PETITION (C) No. 3129/2026

1. Leave granted.

2. This appeal is directed against the final judgment and order dated 10.09.2024 passed by the Hon'ble High Court of Karnataka, Circuit Bench at Dharwad, in Miscellaneous First Appeal No. 102508 of 2018. By the said order, the High Court partly allowed the appeal filed by the claimant-appellant, enhancing the compensation from Rs. 7,60,330/- (as awarded by the Motor Accident Claims Tribunal) to Rs. 9,48,750/-. Dissatisfied with the quantum of enhancement and the adoption of a low notional income, the appellant has approached this Court seeking just and fair compensation.

3. It is undisputed that on 21.09.2015, at approximately 08:10 P.M., the appellant, Musaddiq Ahmed, was travelling as a pillion rider on a motorcycle (Registration No. KA-47/K-0457) near Jewel Park Hotel at Hemmady Village. A bus (Registration No. KA-19/C-6259), driven in a rash and negligent manner on the wrong side of the road, collided head-on with the motorcycle.

4. The Additional MACT, Bhatkal, in MVC No. 11/2016, assessed the appellant's income at Rs. 12,000/- per month and whole-body disability at 14%, awarding a total compensation of Rs. 7,60,330/-. On appeal, the High Court of Karnataka marginally enhanced the notional income to Rs. 15,000/- per month and reassessed the functional disability at 15%, bringing the total compensation to Rs. 9,48,750/-.

5. The learned counsel for the appellant argued that the High Court erred in adopting a notional income of Rs. 15,000/- when documentary evidence of the appellant's employment as a professional driver in Kuwait was available. It was submitted that at the time

of the accident, the appellant was earning 375 Kuwaiti Dinars, equivalent to approximately Rs. 84,000/- per month.

6. Per contra, the learned counsel for the Insurance Company (Respondent No. 2) contended that the assessment of income by the High Court was just and fair in the absence of bank statements.

7. Taking note of the appellant's vocation as a skilled driver and his established overseas employment records, we find the High Court's assessment of income to be overly conservative. Following a holistic view of the evidence, we assess his monthly income at Rs. 40,000/-.

8. At the time of the accident, the appellant was 32 years of age. Following the principles laid down in *National Insurance Co. Ltd. v. Pranay Sethi*<sup>5</sup>, an addition of 40% towards future prospects is mandatory for a person in this age bracket. Applying the multiplier of 16 (as correctly adopted by the courts below) and the functional disability of 15% determined by the High Court, the loss of future earnings is recalculated.

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<sup>5</sup> (2017) 16 SCC 680

9. Regarding conventional heads, we maintain the amounts awarded by the High Court for medical expenses, pain and suffering, and other non-pecuniary losses to ensure consistency with the findings on the nature of the injuries sustained

10. As a result of the discussion above, the Final Compensation payable to the claimant-appellant in accordance with law is as follows:

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.40,000/-	
Yearly Income	Rs.4,80,000/-	
Future Prospects (40%), age 27 years	4,80,000 + 1,92,000 = Rs. 6,72,000/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 42 &amp; 59.4</i>
Multiplier (16)	6,72,000 x 16 = Rs.1,07,52,000/-	
Disability (15%)	15% of 1,07,52,000 =Rs.16,12,800/-	<i>Arvind Kumar Mishra v. New India Assurance Co. Ltd.,</i> (2010) 10 SCC 254 <i>Para 13 and 14</i>
Loss of Income/Future Earnings due to Disability	Rs.16,12,800/-	

Medical Expenses	Rs. 3,11,750/-	
Special Diet & Nourishment and Attendant, Transport	Rs. 30,000/-	<i>Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439 Para 89 and 111</i>
Loss of Income during Treatment	Rs. 45,000/-	
Pain and Suffering	Rs. 60,000/-	<i>K.S. Muralidhar v. R.</i>
Future medical Expenditure	Rs. 30,000/-	<i>Subbulakshmi and Anr. 2024 SCC Online SC 3385 Para 13 and 14</i>
Loss of Happiness & Amenities	Rs. 40,000/-	<i>Raj Kumar v. Ajay Kumar (2011) 1 SCC 343 Para 6</i>
<b>TOTAL</b>	<b>Rs. 21,29,550/-</b>	

The difference in compensation is as under:

MACT	High Court	This Court
Rs. 7,60,330/-	Rs. 9,48,750/-	Rs. 21,29,550/-

11. The findings of the Trial Court and High Court regarding liability are maintained. The liability of Respondent No. 1 (Owner) and Respondent No. 2 (Insurer) shall remain joint and several.

12. To balance the interests of the claimant and the insurer, we direct the Respondent No. 2 (Insurer) to pay the entire enhanced compensation amount of Rs. 21,29,550/- (Rupees Twenty One Lakh Twenty Nine Thousand Five Hundred Fifty only), along with interest as awarded by the Tribunal i.e. 6% per annum from the date of the claim petition until realization, within eight weeks from today.

13. 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 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.

14. We clarify that it shall be open for the insurer to recover the amount from the owner or driver of the offending vehicle in accordance with law.

15. Both the appeals @ SLP (C) No. 2568 of 2026 and SLP (C) No. 3129 of 2026 are allowed in the aforesaid terms. Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJAY KAROL)

.....J.  
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi  
May 12, 2026