

**(2025) 12 SC CK 0037**

**Supreme Court**

**Case No:** Civil Appeal Nos. Of 2025 (@ Special Leave Petition (Civil) Nos. 4845 Of 2025)

R. Logeshkumar

APPELLANT

Vs

P. Balasubramaniam And  
Another

RESPONDENT

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**Date of Decision:** Dec. 5, 2025

**Hon'ble Judges:** K.V. Viswanathan, J; S.V.N. Bhatti, J

**Bench:** Division Bench

**Advocate:** T. Harish Kumar, Shubham Kothari, Aiyushi Daga, Shubham P. Chopra, Jagdish Chandra, Aishwarya Sinha, Vishal Meghwal

**Final Decision:** Partly Allowed

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**Judgement**

S.V.N. Bhatti, J

1. Leave granted.

2. The appeal arises from the order dated 20.06.2022 in CMA (MD) No. 3343 of 2014 on the file of the Madras High Court, filed by the Appellant/Claimant for enhancing the compensation of Rs.3,98,017/-(Rupees three lakh ninety-eight thousand and seventeen) awarded by the Motor Accidents Claims Tribunal, in the Court of III Small Causes, Chennai ("the Tribunal") to Rs. 15,00,000/- (Rupees fifteen lakh).

3. The Appellant's case is that on 26.01.2012, he was riding a two-wheeler bearing Registration No. TN 22 AU 0784 from Selaiyur to Medavakkam towards the east. At Kamarajapuram junction, a jeep bearing Registration No. TN 22 BL 7032 came in a rash and negligent manner from the opposite direction without sounding a horn and hit the Appellant's motorcycle. The accident resulted in grievous injuries to the Appellant. The said jeep was owned by the first respondent and insured by the second respondent, Insurance Company. The Appellant filed a claim petition, claiming a sum of Rs. 15,00,000 (Rupees fifteen lakh) as compensation in MCOP No. 2672 of 2013 on the file of the Tribunal.

4. The appeal is filed for the enhancement of compensation awarded by the Tribunal and for the award of the claimed compensation. Therefore, the averments and the evidence on the admitted position are not adverted to as part of the narrative of the case. At the time of the accident, the Appellant was stated to be 21 years of age and was working as an accounts assistant, earning a monthly salary of Rs. 9,000/- per month. The Claimant examined himself as PW1. The doctors who treated the Appellant, Dr. Kalkura and Dr. Saichandran, were examined as PW2 and PW3, respectively. The Tribunal marked 16 documents on the side of the Appellant. No oral or documentary evidence was placed from the side of the Respondents.

5. The Tribunal awarded a sum of Rs. 3,98,017/- (Rupees three lakh ninety-eight thousand and seventeen) with interest at 7.5% per annum. The Claimant filed CMA (MD) No. 3343 of 2014 seeking enhancement of compensation. The High Court has taken note of the oral evidence of PW2 and PW3, and the extent of disability the first Appellant suffered in the accident. The High Court, through the impugned Judgment, redetermined the compensation. For a quick grasp of the scope of the appeal, the compensation awarded by the Tribunal and the High Court is stated as follows:

<b>Heads</b>	<b>The Tribunal (Rs.)</b>	<b>HC (Rs.)</b>
Transport to Hospital	10,000/-	10,000/-
Extra Nourishment	15,000/-	15,000/-
Damage to clothing	1,000/-	1,000/-
Medical Expenses	60,617/-	60,617/-
Attender Charges	6,000/-	6,000/-
Loss of Amenities	5,000/-	5,000/-
Pain and Suffering	30,000/-	30,000/-
Loss in marital and social status	10,000/-	10,000/-
Loss of Earnings due to Functional Disability.	2,30,400/- (Rs. 6,000 x 12 x 16 x 20%)	12,48,000/- (Rs 6500 x 12 x 16 x 100%)
Future Medical Expenses	Nil	80,000/-
<b>Total =</b>	<b>Rs.3,98,017/- (7.5%)</b>	<b>Rs.14,65,617/(7.5%)</b>

6. The High Court, as part of its consideration of functional disability, held that the Appellant suffered from hemiparesis, disfigurement and brain injuries leading to a 100% loss of earnings due to functional disability. The finding further recorded that the Claimant had not produced any supporting evidence to prove his salary at Rs. 9,000/- per month. The High Court, relying on *Syed Sadiq and others v. Divisional Manager, United India Insurance Company Limited*, (2014) 2 SCC 735 held that the Claimant cannot be expected to produce documents to prove his monthly income and fixed his monthly income at Rs. 6,500/-. The High Court, thus, enhanced the head - "Loss of Earning due to Functional Disability" - to Rs. 12,48,000/- by increasing his income by Rs. 500/- and considering his Functional Disability as 100%.

7. Hence, the appeal for further enhancement of compensation.

8. We have heard Mr. T. Harish Kumar, learned Counsel for the Appellant, and Mr. Vishal Meghwal, learned Counsel for the respondent-Insurance Company.

9. The Appellant claims enhancement of compensation under the following heads:

- Future Prospects are not taken note of and added to the monthly salary arrived at by the High Court.
- From the injuries suffered by the Appellant, he cannot be expected to live independently, and a reasonable attendant allowance to make life smooth should have

been granted.

c. The claimant is entitled to reimbursement of actual medical expenses of Rs. 1,08,000/-.

10. The insurance company opposes the enhancement on the ground that, irrespective of the heads, the compensation awarded by the High Court is just and fair. We have taken note of the submissions and perused the record. The probable loss of monthly income of the Appellant has been arrived at by applying the correct principle of law.

11. In *Nagappa v. Gurudayal Singh and others*, 2003 (2) SCC 271 this Court held that there is no restriction on the Tribunal in awarding compensation exceeding the claimed amount under the Motor Vehicles Act, 1988, and the function of the Tribunal is to award just compensation which is reasonable based on the evidence produced on record. Keeping in view the above ratio, in a given case, the discretion to award compensation in excess of the amount claimed in the petition is based on the evidence on record and for reasons recorded for granting just and fair compensation. Taking note of the loss of monthly income, we deem it appropriate to add 1/3rd of the salary as the future loss of income, totalling to Rs 8667/-. The Appellant further claims a lump sum to meet the expenses of an attender, enabling him to attend to his regular household chores and functions. We keep in our perspective the age of the Appellant (21 years) during the incident and the requirement of a personal attendant, and award a lump sum of Rs. 3,00,000/-. Over and above the loss of income arrived at by this Judgment and the High Court, the Appellant claims reimbursement of medical expenses said to have been incurred while undergoing treatment in the hospital. The Appellant did not bring evidence on the amount spent on this behalf before the Tribunal. The evidence is introduced as additional evidence before the High Court, and the High Court, for reasons recorded in the impugned judgment, has not accepted this claim. We wish not to express a view on the entitlement under this head, but by taking the totality of circumstances, and the further enhancement granted by this Judgment, the claim under this head is rejected.

12. In the facts and circumstances of this case, we are inclined to award the Appellant, a just and fair compensation amounting to Rs 21,75,681/-(Rupees Twenty One seventy-five thousand six hundred and eighty-one), and is determined as follows:

Heads	HC (Rs.)	This Court (Rs.)
Transport to Hospital	10,000/-	10,000/-
Extra Nourishment	15,000/-	15,000/-
Damage to clothing	1,000/-	1,000/-
Medical Expenses	60,617	60,617
Loss of Amenities	5,000/-	5,000/-
Pain and Suffering	30,000/-	30,000/-
Loss in marital and social status	10,000/-	10,000/-
Attender Charges	6,000/-	3,00,000/-
Loss of Earnings due to Functional Disability.	12,48,000/- (Rs 6500 x 12 x 16 x 100%)	16,64,064/- [Rs 8667 (future prospects) x 12 x 16 x 100%]
Future Medical Expenses	80,000/-	80,000/-
<b>Total =</b>	<b>Rs.14,65,617/- (7.5%)</b>	<b>Rs.21,75,681/- (7.5%)</b>

13. The difference amount payable (from Rs. 21,75,681/-), over and above the amount already paid, will carry an interest of 7.5% from the date of filing the claim petition.

14. The Civil Appeal is allowed in part. The deficit court fee is to be deposited before the Tribunal within six weeks from today. There is no order as to costs. Pending applications, if any, stand disposed of.