

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP (C)No.6428/2023)

KARUNA PARMAR

... APPELLANT(S)

VERSUS

**PRAKASH SINHA & ORS.
RESPONDENT(S)**

...

With

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP (C)No.6314/2023)

**RAMCHAND SINGH PARMAR
APPELLANT(S)**

...

VERSUS

**PRAKASH SINHA & ORS.
RESPONDENT(S)**

...

ORDER

Time taken for disposal of the claim petition by MACT	Time taken for disposal of the appeal by the High Court	Time taken for disposal of the appeal in this Court
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5 years 1 month	1 year 10 months	1 year 10 months
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Leave Granted

2. The present appeals are directed against the Judgment and Order dated 16th December 2022, passed in Misc.Appeal Nos.651 and 653 of 2021 by the High Court of Madhya Pradesh at Jabalpur, which, in turn, was preferred against the judgment and order dated 7th March, 2020 in M.A.C.C. No.500099, 500100 and 500098 of 2015 passed by the 16th Additional Motor Accidents Claims Tribunal, Jabalpur.

3. The brief facts giving rise to these Appeals are that on 7th March, 2014 at 8.35 am, the Appellant in SLP(C)No.6428/2023, namely, Karuna Parmar (hereinafter *Appellant No.1*), aged 41 years, along with her husband, namely, Ramchand Singh Parmar – Appellant in SLP(C)No.6314/2023 (hereinafter *Appellant No.2*), and their daughter namely Kumari Avika Parmar (deceased), aged 6 years, were travelling on a motor vehicle when they were hit by the offending Vehicle No. 07CO8 2794, a Tata 713 (Truck) driven by Prakash Sinha, Respondent No.1 herein, in a rash and negligent manner. Both Appellant Nos.1 and 2 suffered serious injuries, while their daughter died as a result of the said motor vehicle accident. The Appellants were treated firstly at Jabalpur Hospital and later on at Marble City Hospital.

4. The Claimant-Appellants filed three applications for compensation which were decided collectively by the Tribunal. Appellant No. sought compensation

to the tune of Rs.56,90,000/-, submitting therein that at the time of the accident, she was earning Rs.16,000/- per month while working as a Professor at Guru Ram Das Khalsa Institute of Science and Technology, Jabalpur, and additionally Rs.10,000/- per month while imparting tuition to children. As a result of the accident, she is not in a position to undertake these jobs. Appellant No.2 sought compensation for medical expenses; loss of income during treatment; and pain and suffering to the tune of Rs.5,00,000/-. Lastly, they collectively sought compensation to the tune of Rs.8,60,000/- on account of their deceased daughter.

5. The Tribunal, vide its Order, awarded Appellant No.1 with a compensation of Rs.3,84,792/- along with interest @ 7%, considering her monthly income to be Rs.10,000/- per month through tuitions. The salary as a professor was not considered since she had not been working for the last 2-3 years. Her disability was assessed as 5%. Appellant No.2 was awarded with compensation of Rs.27,320/- for medical expenses. For the deceased daughter, the Tribunal awarded Rs.5,30,000/- along with interest @ 7%, calculating her prospective annual income to be Rs.21,000, i.e., Rs.1,750/- per month.

6. Dissatisfied with the amount of compensation awarded, the Appellants filed separate appeals before the High Court, submitting that the Tribunal has incorrectly appreciated the following issues:

- a. Salary of Appellant No. 1
- b. Disability suffered by Appellant No. 1

c. Medical Expenses incurred

d. Compensation awarded for the deceased is on the lower side towards various heads.

7. The High Court, vide the impugned order, allowed the appeal of Appellant No.1, awarding an extra amount of Rs.1,56,500/- by awarding future prospects @ 30% and a further Rs.50,000/- under the head of future treatment, as the injury suffered by her was serious in nature. The percentage of disability remained the same. Additionally, Rs.75,000/- was awarded as a loss of income for 6 months. The total compensation arrived at was Rs.5,40,792/-. The appeal of Appellant No.2 came to be dismissed. Insofar as enhancement of compensation towards the deceased child is concerned, in the impugned judgment there is no discussion on the issue.

8. Dissatisfied, the Appellants are before us. The significant points of challenge urged are:

- a. The monthly income of Appellant No. 1 should be taken as Rs.26,000/- including an amount of Rs.16,000 which she earned as a professor.
 - b. Medical bills to the tune of Rs. 5,00,000/- requires consideration.
 - c. Compensation awarded towards the deceased child is on the lower side.
9. We have heard the learned counsel for the parties. For the sake of clarity, we examine the case of both the Appellants independently.

Appellant No. 1

10. We are unable to agree with the view taken by the Tribunal on the salary of Appellant No.1. It is borne from the record that she was working as a professor till the year 2012 (two years prior to the accident) and drawing a salary of Rs.16,000/- per month. It is true that at the time of the accident, she was not holding such a position. However, it is imperative to note that the accident took away such potential income of the Appellant. It is not a case where the Appellant had left the field of education, as she was still imparting tuition. In our view, it is necessary to include her income as a professor, since it most accurately reflects her earning capacity at the time of the accident. Therefore, it is proper to take the income of Appellant No.1 as Rs.26,000/- per month.

11. The second issue requiring consideration is the amount towards medical bills of the Appellants. We are not inclined to accept the Tribunal's reasoning that the amount payable for medical expenses should be restricted to the bills produced by the Appellant. This Court has clarified in the case of **Kajal v. Jagdish Chand**¹ that limiting the amount under this heading to the bills presented would be unreasonable to the aggrieved party. It is a matter of record that both the Appellants underwent extensive treatment, first at Jabalpur Hospital and later at Marble City Hospital. The Courts below have awarded an amount of Rs.2,04,792/-. In our view, in furtherance of the above exposition of law, considering the medical condition of the Appellant, it is just and proper to

¹ (2020) 4 SCC 413

award Rs.5,00,000 towards this heading, as has been claimed by Appellant No.1.

12. In view of the aforesaid, the compensation now payable to the Claimant-Appellant would be recalculated as under:

FINAL COMPENSATION OF KARUNA PARMAR

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.26,000/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59
Yearly Income	26,000 X 12 = Rs.3,12,000/-	
Future Prospects (25%)	3,12,000 x 25% = Rs.78,000	
Multiplier (14)	3,90,000 X 14 = Rs.54,60,000	
Permanent Disability (5%)	14,04,000 x 5% = Rs.2,73,000/-	
Medical Expenses	Rs.3,50,000/-	Kajal v. Jagdish Chand (2020) 4 SCC 413 Para 19 and 25
Special Diet & Transportation	Rs.30,000/-	Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439 Para 89
Pain and Suffering	Rs.1,00,000/-	K.S. Muralidhar v. R. Subbulakshmi & Anr. 2024 SCC Online SC 3385 Para 13 and 14
Loss of Income during treatment	26000 x 6 = Rs.1,56,000/-	Raj Kumar v. Ajay Kumar (2011) 1 SCC 343 Para 6
TOTAL	Rs. 9,09,000/-	

Appellant No. 2

13. The compensation payable to Appellant No. 2, in accordance with the law, is as follows:

FINAL COMPENSATION OF RAM CHAND PARMAR

Compensation Heads	Amount Awarded	In Accordance with:
Medical Expenses	Rs.8,320/-	Kajal v. Jagdish Chand (2020) 4 SCC 413 Para 19 and 25
Special Diet & Transportation	Rs.30,000/-	Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439 Para 89
Pain and Suffering	Rs.50,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 3385 Para 13 and 14
Loss of Income during treatment	Rs.6,000/-	Raj Kumar v. Ajay Kumar (2011) 1 SCC 343 Para 6
TOTAL	Rs.94,320/-	

Deceased Child

14. Coming to the case of the deceased child, we are not inclined to accept the reasoning of the Tribunal on the yearly income. Recently, in **Baby Sakshi Greola v. Manzoor Ahmad Simon and Another** 2024 SCC Online SC 3692, J. B.R. Gavai, writing for the bench, has elaborated that:

“29. This Court in the case of Kajal (supra) has held that taking notional income is not the correct approach. Instead, the minimum wages payable to a skilled workman in the concerned State has to be taken into consideration because, that would be the minimum amount which she would have earned on becoming a major. In this case, the minimum wage payable to a skilled workman in the State of Delhi at

the time of the accident, i.e., 2nd June 2009, was Rs. 4,358/- per month.”

(Emphasis supplied)

15. For this purpose, we advert to the notification under the Minimum Wages Act, 1948, for a skilled worker in 2014 wherein Rs. 223/- per day has been fixed. The monthly income of the deceased comes to Rs.6,690/-, and consequently, the yearly income of the deceased has to be considered as Rs.80,280/-. The compensation payable, therefore, is as follows:

FINAL COMPENSATION OF DECEASED AVIKA PARMAR

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	223 X 30 = Rs.6,690/-	Baby Sakshi Greola V. Manzoor Ahmad Simon and Another, (2022) SCC OnLine SC 3692
Yearly Income	6,690 X 12 = Rs.80,280/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59
Future Prospects (40%)	80,820 X 40% = Rs.1,12,392/-	
Deduction (½)	1,12,392 / 2 = Rs.56,196/-	
Multiplier (18)	56,196 X 18 = Rs.10,11,528	
Loss of Estate	Rs.18,150/-	
Loss of Funeral Expenses	Rs.18,150/-	
Loss of consortium	48,400 X 2 = Rs.96,800/-	
TOTAL	Rs. 11,44,628/-	

Thus, the difference in compensation payable finally in the case of Appellant No. 1 is as under:

MACT	High Court	This Court
Rs.3,84,792/-	Rs.5,41,292/-	Rs.9,09,000/-

Thus, the difference in compensation payable finally in the case of Appellant No. 2 is as under:

MACT	High Court	This Court
Rs.27,320/-	-	Rs.94,320/-

Thus, the difference in compensation payable finally in the case relating to the deceased child is as follows:

MACT	High Court	This Court
Rs.5,30,000/-	Rs.5,30,000/-	Rs.11,44,628/-

16. The Civil Appeals are allowed in the aforesaid terms. The impugned Award dated 7th March, 2020 in M.A.C.C. No.500099, 500100 and 500098 of 2015 passed by the 16th Additional Motor Accidents Claims Tribunal, Jabalpur,

as modified *vide* the impugned order, stands further modified to the above extent. Interest is to be paid as awarded by the Tribunal.

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

.....J.
(SANJAY KAROL)

.....J.
(MANMOHAN)

**February 11, 2025;
New Delhi.**