

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2026
(@ Special Leave Petition (Civil) No. 20148 of 2023)

MOHIT GARG

... APPELLANT (S)

VERSUS

HARI RAM DECEASED THROUGH HIS
LEGAL REPRESENTATIVE AND ORS.

... RESPONDENT (S)

O R D E R

Time taken for disposal of the claim petition by the MACT	Time taken for disposal of appeal by the High Court	Time taken for the disposal of the appeal in this Court
3 years, 8 months, 20 days	3 years, 8 months, 25 days	3 years, 3 months, 4 days

1. Leave granted.

2. This appeal arises from a challenge to the award dated 04.07.2022 passed by the High Court of Punjab & Haryana at Chandigarh in FAO-15887-2018, regarding

a motor vehicle accident involving the appellant, a practicing advocate.

3. Certain facts in this matter are not in dispute.

The appellant is a practicing advocate who met with a motor vehicle accident on May 10, 2012. As a result of this accident, he sustained injuries - including head injuries, Third Nerve Palsy, and Diplopia - resulting in a permanent disability to the extent of 50%.

4. While answering the issues arising out of the pleadings of the parties, the findings established the cause of the motor vehicle accident to be the rash and negligent act on the part of the driver of the offending vehicle, a truck bearing registration number HP64-5251.

5. The initial compensation awarded by the Motor Accident Claims Tribunal (hereinafter referred to as 'MACT'), Panchkula, was based on a loss of income quantified by a disability of 45%, totalling Rs. 5,33,058/-. Liability was fastened upon the insurer because the driver possessed a valid license and the vehicle was covered by a valid insurance policy.

6. Upon an appeal preferred by the claimant, the High Court enhanced the compensation to a total sum of Rs. 25,64,896/- . This assessment was based on the disability certificate determining the extent of the disability to be 50%.

7. The dispute is with regard to the determination of the claimant's monthly income. The High Court initially determined the income to be Rs. 18,590/- per month based on the Income Tax Returns (ITRs) for the period 2011-12. However, the claimant contends that his income ought to be quantified at Rs. 30,012/- per month as per the Returns filed for the year 2012-13.

8. Yet aggrieved thereof, the claimant has preferred the instant appeal.

9. Having heard learned counsel for the parties, we are of the considered view that the High Court erred in determining the income of the claimant to be Rs. 18,590/- per month. As per the Income Tax Returns filed for the year 2012-13, the income ought to have been quantified at Rs. 30,012/- per month. It is true that if the income was assessed on the basis of the

Return filed for the period 2011-12, it would have to be Rs. 18,590/- . However, we find difficulty in accepting the same for two reasons: first, the High Court itself eventually adjusted the income to Rs. 27,500/-; second, it is not the case of any of the parties that the claimant inflated his income while filing Returns for the financial year 2012-13. We find that the lower income reflected in the 2011-12 record is explainable from the circumstances on record.

10. It is observed that despite the severity of his 50% disability, the claimant has struggled rather bravely in adapting himself to ensure that disability did not prevent him from pursuing his professional career.

11. In computing the future prospects, we are of the view that the claimant is entitled to a sum of Rs. 45,65,666/- as per the chart mentioned below.

FINAL COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.30,012/-	
Yearly Income	Rs. 3,60,144/-	
Future Prospects (40%), age 33 years	3,60,144/- + 1,44,057/- = Rs. 5,04,201/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 42 & 59.4</i>
Multiplier (16)	5,04,201/- x 16 = Rs. 80,67,216/-	
Permanent Disability (50%)	50% of 80,67,216/- = Rs.40,33,608/-	<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.40,33,608/-	
Medical Expenses	Rs. 42,058/-	<i>Kajal v. Jagdish Chand</i> (2020) 4 SCC 413 <i>Para 19, 25 and 28</i>
Attendant Charges	Rs. 10,000/-	
Special Diet & Transportation	Rs. 60,000/-	<i>Sidram v. Divisional Manager, United India Insurance Ltd.</i>

		(2023) 3 SCC 439 <i>Para 89 and 111</i>
Pain and Suffering	Rs.2,00,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 3385 <i>Para 13 and 14</i>
Loss of Happiness & Amenities	Rs.1,00,000/-	Raj Kumar v. Ajay Kumar (2011) 1 SCC 343 <i>Para 6</i>
Loss of Income during treatment	Rs. 1,20,000/-	
TOTAL	Rs. 45,65,666/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 5,33,058/-	Rs. 25,64,896/-	Rs. 45,65,666/-

12. We note that though the total loss claimed is Rs. 52,65,700/-, the quantified entitlement stands at the aforementioned enhanced sum i.e Rs.45,65,666/-. Interest to be paid in terms of the award passed by the Tribunal.

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 four weeks, thereafter.

14. The appeal is allowed in part, and the compensation is enhanced accordingly.

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

.....J.
(SANJAY KAROL)

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

New Delhi
January 13, 2026