

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO..... OF 2026

(@ Special Leave Petition (Civil) No. 2578 of 2026)

NARGIS SIDDIQUI

... APPELLANT(S)

VERSUS

ORIENTAL INSURANCE CO. LTD. & 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
10 years 10 months 26 days	15 years 7 months 18 days	4 months 5 days

Leave granted.

2. This appeal is directed against the final judgment and order dated 19.12.2023 passed by the High Court of

Judicature for Rajasthan at Jaipur in S.B. Civil Miscellaneous Appeal No. 2201 of 2008, whereby the High Court significantly reduced the compensation awarded to the appellant from ₹5,57,500/- to ₹2,11,876/-.

3. The factual matrix of the case is that on 24.02.1997, at approximately 7:00 a.m., the appellant, Nargis Siddiqui, was traveling to her place of employment—a Government Upper Primary School—on her Hero Puch scooter. Upon reaching the Triveni Nagar Chauraha in Jaipur, a truck bearing registration no. UP-85B-9483, driven in a rash and negligent manner, struck her head-on, completely smashing the scooter and inflicting grievous injuries all over her body.

4. The Medical Board of SMS Hospital subsequently issued a Disability Certificate dated 26.07.1998, assessing the appellant with 39.07% permanent disability resulting from multiple fractures in her right tibia, fibula, and metatarsal bones, leading to a shortened limb and restricted hip movement.

5. The Motor Accident Claims Tribunal (MACT), Jaipur, vide its award dated 31.01.2008, determined the

appellant's monthly income at ₹6,230/- based on her salary certificate (Exhibit-8). The Tribunal awarded ₹4,96,548/- specifically for permanent disability and loss of future income. When combined with other heads such as medical expenses; pain and suffering, the total award stood at ₹5,57,500/-.

6. Upon appeal by the Respondent-Insurance Company, the High Court maintained the findings on negligence but erroneously set aside the compensation for loss of future earnings. The High Court reasoned that since the appellant was a government employee and had continued in service without a reduction in salary or removal from her post, she had suffered no actual loss of income.

7. The appellant is a teacher. A 39.07% permanent disability, which restricts her ability to stand for long hours, sit cross-legged, or move freely, has a direct and deleterious impact on her professional efficiency and career advancement. While her current salary may be protected by government service rules, her "earning capacity" in the open market and her

eligibility for promotions and seniority-linked benefits have been severely compromised.

8. We have heard the learned counsel for the parties and perused the material on record. While the base monthly income of ₹6,230/- as determined by both the courts below is maintained, we find that the High Court failed to adequately compensate the appellant for the profound impact of a 39.07% permanent disability on her quality of life and physical well-being. Even in cases where pecuniary loss of income is not immediately evident due to continued employment, the non-pecuniary losses—specifically the physical trauma, mental agony, and the permanent loss of amenities—must be assessed with greater sensitivity to reflect "just compensation."

9. In view of the severity of the fractures and the resultant shortening of the limb, we find it appropriate to modify the compensation by enhancing the non-pecuniary heads to address the appellant's lifelong suffering.

10. Hence, the final compensation is re-determined and awarded as per the chart mentioned below:

Sr. Nos.	Heads	Awarded Amount	Cases
1	Medical Expenses	Rs. 2136/-	
2	Special Diet & Transportation	Rs. 28,010/-	<i>Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439</i> <i>Para 89 and 111</i>
3	Pain and Suffering	Rs.5,00,000/-	<i>K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 3385</i> <i>Para 13 and 14</i>
4	Loss of Happiness & Amenities	Rs.3,50,000/-	<i>Raj Kumar v. Ajay Kumar (2011) 1 SCC 343</i> <i>Para 6</i>
5	Loss of Income during treatment	Rs. 32,740	
	TOTAL	Rs. 9,12,886/-	

The difference in compensation is as under:

MACT	High Court	This Court
Rs. 5,57,500/-	Rs. 2,11,876/-	Rs. 9,12,886 /-

11. The appeal is allowed on the aforesaid terms. Interest on the amount is payable as awarded by the Tribunal. The issue of the liability remains untouched. So, the Oriental Insurance Co. ltd., shall satisfy the award. The interest on the enhanced amount shall carry interest as per directions of the Tribunal and be payable from the date of filing the original claim petition. The enhanced amount shall carry interest as per the directions of the Tribunal and shall be payable from the date of filing of the original claim petition.

12. The amount is to be directly remitted into the bank account of the claimant-appellant(s). The particulars of the bank account are to be immediately supplied by the learned counsel for the appellant to the learned counsel for the respondents. The amount be remitted positively within a period of eight weeks, thereafter. The period of delay, if any, in filing this appeal shall be excluded during the computation of interest.

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

.....J.
(SANJAY KAROL)

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

New Delhi

April 24, 2026