



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2611 OF 2020

(arising out of SLP (Civil) No(s). 9689 of 2018)

SAVITHA

...APPELLANT(S)

VERSUS

M/s. CHODAMANDALAM M.S. GENERAL
INSURANCE CO. LTD. AND OTHERS

...RESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

Leave granted.

2. The appellant, a housewife, is in appeal against inadequacy of compensation granted to her in a motor accident case.

3. The appellant while travelling in a bus belonging to respondent no.3 on 25.12.2008 met with an accident when a lorry rashly and negligently dashed against the bus. The appellant suffered nine injuries out of which seven were grievous in nature. P.W.4, the Orthopedic Surgeon who operated upon the appellant, deposed that she had suffered 32 per cent total body disability and was

not capable of doing household work. The Tribunal awarded a total compensation of Rs.5,82,500/- with interest at the rate of 6%, redetermined by the High Court in appeal at Rs.6,50,350/-.

4. Learned counsel for the appellant submits that the assessment of income at Rs.4,250/- per month was inadequate. The appellant had claimed an income of Rs.6,000/- p.m. from a tailoring business which should have been the basis for assessment of loss of income. The medical opinion of P.W.4 with regard to extent of whole body disability has been arbitrarily reduced to 20%.

5. Learned counsel for respondent no.1 submitted that the High Court has adequately enhanced the compensation which calls for no further interference.

6. We have considered the submissions on behalf of the parties. The appellant failed to lead any evidence in support of her claimed profession as a tailor earning approximately Rs.6,000/- p.m. and therefore it has rightly been rejected.

7. The Tribunal assessed the notional income of the appellant as a housewife at Rs.3,000/- p.m., which has been enhanced by the High Court to Rs.4,250/- and we find no reason to interfere with the same. The appellant has been awarded Rs.3,00,000/- towards medical expenses as she failed to lead acceptable evidence in support of her claim for Rs.4,00,000/-. We find no reason to interfere with the same also. However, we are of the considered opinion that considering the nature of injuries and age of the appellant the award of Rs.25,000/- only towards loss of amenities and future happiness is inadequate and is enhanced to Rs.50,000/-.

8. P.W.4, the Orthopedic Surgeon, deposed that the appellant had suffered nine injuries, of which seven were grievous in nature and she had to undergo two surgeries which left her disabled from doing house work and unable to walk without the aid of crutches. Her whole body disability was medically assessed at 32%. The Tribunal, by hairsplitting the expert evidence assessed the whole body disability at 15%. The High

Court for inexplicable reasons opined that it would be reasonable to determine the whole body disability at 20%.

9. The appellant is entitled to loss of future earning on basis of the whole body disability of 32% as opined by P.W.4. The compensation under that head is therefore redrawn awarding Rs.2,12,160/- (Rs.4250 x 12 x 13 x 32%).

10. The appellant is therefore held entitled to a total compensation of Rs.7,54,910/- along with interest at the rate of six per cent from the date of petition till the date of realization.

11. The appeal is allowed.

.....**J.**
(R.F. Nariman)

.....**J.**
(Navin Sinha)

.....**J.**
(B.R. Gavai)

New Delhi,
June 16, 2020