

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2026
(@ Special Leave Petition (Civil) No.15867 of 2026)

RAMSHAD P

... APPELLANT(S)

VERSUS

AFSAL & 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
5 years, 2 months, 19 days	1 year, 1 month, 9 days	2 months, 13 days

Leave granted.

2. This appeal arises from a motor vehicle accident that occurred on 21.05.2017. The appellant, then a 20-year-old youth, was traveling in a car (Reg. No. KL-08-AS-9970) which, due to the rash and negligent driving of

Respondent No. 2, overturned into a valley. The appellant sustained catastrophic spinal injuries, including C6-C7 spondylolisthesis and cervical cord injury, resulting in 100% permanent disability with the claimant being permanent bedridden. He is currently in a paraplegic condition, suffering from total incontinence and is entirely dependent on others for his daily survival.

3. The Motor Accident Claims Tribunal, Thrissur, on 19.08.2023, awarded a total compensation of ₹64,71,050/- with interest at the rate of 7.5% per annum from the date of the petition until realization.

4. Upon appeal (MACA No. 1096 of 2024), the High Court of Kerala enhanced the compensation by an additional ₹28,52,400/-, bringing the total award to ₹93,23,450/-. The High Court further directed that the compensation be paid with a revised interest rate of 8% per annum from the date of the petition till realization.

5. The High Court refixed the petitioner's notional income at ₹13,000/- per month. However, taking into account the minimum wages payable to skilled workmen in the State of Kerala as of the date of the accident (21.05.2017), we refix the notional monthly income at

₹18,900/-. Herein we may extract the relevant portion of the decision rendered by the High Court of Kerala, acknowledging the minimum wages payable to a skilled worker in the year 2018, which were also prevalent with effect from 28.04.2017, prior to the accident in question.

"In the present case, the accident occurred on 24.04.2018 and at that point of time, G.O.(P) No. 56/2017 dated 28.04.2017 issued by the State of Kerala was in force. In accordance with the said notification, the minimum wage fixed by the State of Kerala for a skilled worker is at Rs. 18,900/-. Therefore, the compensation towards loss of dependency has to be reworked."

Hence, compensation for loss of future earnings needs to be recalculated accordingly, maintaining the 40% addition for future prospects and the multiplier of 18.

6. The Motor Accident Claims Tribunal (MACT), Thrissur, after assessing the police records and FIR in Crime No. 362/2017, held that the accident was the result of the negligence of the driver of the offending vehicle. As the vehicle was covered by a valid insurance policy, the Tribunal fastened the liability solely upon the insurer, The New India Assurance Co. Ltd. (Respondent No. 3), to

indemnify the owner. This finding on liability was not challenged and has attained finality.

7. While the High Court enhanced the compensation to ₹93,23,450/-, we find the assessment of several heads remains inadequate to meet the standard of "just compensation" for a claimant in such a state of perpetual suffering.

8. Based on the aforementioned findings, the final compensation is re-calculated as follows:

FINAL COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.18,900/-	
Yearly Income	Rs. 2,26,800/-	
Future Prospects (40%), age 28 years	2,26,800/- + 90,720/- = Rs. 3,17,520/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59.4
Multiplier (18)	3,17,520 x 18 = Rs. 57,15,360/-	
Permanent Disability (100%)	100% of 57,15,360/- = Rs.57,15,360/-	Arvind Kumar Mishra v. New India Assurance Co. Ltd.,

		(2010) 10 SCC 254 <i>Para 13 and 14</i>
Loss of Income/Future Earnings due to Disability	Rs.57,15,360/-	
Attendant Charges	Rs. 62,64,800/-	
Special Diet & Transportation	Rs. 2,00,000/-	<i>Sidram v. Divisional Manager, United India Insurance Ltd.</i> <i>(2023) 3 SCC 439</i> <i>Para 89 and 111</i>
Pain and Suffering	Rs.10,00,000/-	<i>K.S. Muralidhar v. R. Subbulakshmi and Anr.</i> <i>2024 SCC Online SC 3385</i> <i>Para 13 and 14</i>
Loss of Happiness & Amenities	Rs.10,00,000/-	<i>Raj Kumar v. Ajay Kumar</i> <i>(2011) 1 SCC 343 Para 6</i>
Marriage Prospect	Rs. 5,00,000/-	
TOTAL	Rs. 1,46,80,160/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs. 28,52,400/-	Rs. 93,23,450/-	Rs. 1,46,80,160/-

9. In view of the above modifications, the total compensation awarded is refixed at ₹1,46,80,160/- (Rupees One Crore Forty-Six Lakhs Eighty Thousand One Hundred and Sixty only).

10. The respondent-insurer (Respondent No. 3) is directed to deposit the enhanced amount, along with interest at the rate of 8% per annum from the date of the claim petition until realization, within eight weeks from today.

11. 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.

12. The appeal is allowed, and the compensation is enhanced accordingly.

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

.....J.
(SANJAY KAROL)

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

.....J.
(ARUN PALLI)

New Delhi
June 02, 2026