

REPORTABLE

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

CIVIL APPEAL NO. 2183 OF 2025

(Arising out of SLP(C)No.1669 of 2025)

CHANDRA MOGERA

... APPELLANT(S)

VERSUS

**SANTHOSH A GANACHARI
& ANR.**

...RESPONDENT(S)

ORDER

Time taken for disposal of the claim petition	Time taken for disposal of appeal by the High Court	Time taken for disposal of the appeal in this Court
2 years 9 months 12 days	2 years 4 months 7 days	8 months 24 days

Leave granted.

2. This appeal is directed against the judgment and order dated 5th July 2024, passed in Miscellaneous First Appeal No.2165 of 2022 (MV-I) by the High Court of Karnataka at Bengaluru, which, in turn, was preferred against the order dated 30th September 2021 in MVC No.1200/2018 passed by the Senior Civil Judge and Additional M.A.C.T., Kundapura.

3. The nature and occurrence of the accident are not in dispute before us. The facts giving rise to present appeal are that on 23.10.2018, the appellant, aged 23 years, sustained grievous injuries while travelling on his motorcycle in a road accident, due to the rash and negligent driving of the lorry bearing Registration No. KA-48-9005¹. On account of such injuries, 1/3rd of his left lower limb above the knee was amputated.

4. The appellant preferred a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation to the extent of Rs.67,60,000/-. The Tribunal, by its order, held that Respondent No.2 herein is liable to pay the compensation amount of Rs.22,01,095/- to the appellant, along with an interest @ 6% from the date of filing of the claim petition. The Tribunal assessed the income of the appellant at Rs.12,500/- per

1 Hereinafter referred to as "Offending Vehicle"

month, as per the notional income issued by the Karnataka Legal Services Authority for the Motor Vehicle Accident cases and by taking note that the appellant had suffered 80% permanent due to the amputation of 1/3rd of his left lower limb above the knee, and assessed his functional disability at 40%. The Tribunal further proceeded to award compensation under various heads as follows:

Particulars	Amount
Loss of Income due to disability (40%)	Rs.15,12,000/-
Medical Expenses	Rs.36,424/-
Pain and Suffering	Rs.80,000/-
Conveyance, diet and attendant charges	Rs.30,000/-
Loss of income during laid up period (Rs.12,500/- X 4 months)	Rs.50,000/-
Loss of Amenities	Rs.50,000/-
Purchase of modular leg prosthesis	Rs.3,67,671/-
Loss of marriage prospectus	Rs.75,000/-

5. Aggrieved thereof, the appellant filed an appeal before the High Court seeking enhancement of the compensation amount awarded by the Tribunal on the aspect of functional disability at 100%, as he was not able to continue with his profession as a driver.

6. The High Court, *vide* the impugned order, while allowing the appeal in-part, enhanced the total compensation amount as Rs.30,99,095/-, by assessing the whole-body disability at 80%, on the basis of the injuries sustained by the appellant and awarded an enhanced amount under the various heads as follows:

Particulars	Amount
Loss of Income due to disability (80%)	Rs.21,60,000/-
Medical Expenses	Rs.36,424/-
Pain and Suffering	Rs.1,00,000/-
Conveyance, diet and attendant charges	Rs.50,000/-
Loss of income during laid up period (Rs.12,500/- X 4 months)	Rs.1,00,000/-
Loss of Amenities	Rs.1,00,000/-
Purchase of modular leg prosthesis	Rs.3,67,671/-
Loss of marriage prospectus	Rs.1,00,000/-
Future Medical Expenses	Rs.50,000/-
Repair of Artificial Leg	Rs.35,000/-

7. Yet dissatisfied, the appellant is now before us. The ground of challenge is that the Courts below have failed to consider his functional disability at 100%, on account of the amputation of lower limb above knee and further seeks an adequate compensation under the pecuniary and non-pecuniary damages in accordance with the law.

8. We have heard the learned counsel for the parties.

9. In the present case, upon perusal of the disability certificate annexed as annexure-P2, it stands established that the appellant sustained a permanent disability to the extent of 75%, due to the amputation of lower limb above the left knee. It is an undisputed fact on record that the appellant was employed as a professional driver at the time of accident. Consequent to the amputation of the lower limb, the appellant has been rendered physically impaired, with limitations adversely affecting his mobility and strength. The vocation of a driver not only necessitates the elementary operation of a vehicle but also inherently demands sustained concentration, quick reflexes, and adequate physical ability to respond swiftly to traffic contingencies. In view of the functional restrictions resulting from the injuries suffered by the appellant, coupled with the occupational requirements of his profession, it is evident that the appellant is incapacitated from resuming his employment as a driver. Accordingly, due to the nature and extent of the injuries sustained, the appellant is effectively deprived of his capacity to earn a livelihood through his previous occupation and is left entirely dependent on the others for sustenance. In our considered view, the appellant should be entitled to a just and reasonable compensation, and therefore, we deem it

appropriate to assess and determine the functional permanent disability of the appellant at 100%.

10. The appellant, on account of the amputation above knee would require a prosthetic limb. It is a fact that a prosthetic limb, which is an aid for mobility, is not permanent in nature. It generally has a limited span of usability and usually requires replacement once every 5 years in order to function effectively. The appellant was aged 29 years at the time of filing of the present appeal, and it would be reasonable to assume that he would live at least till the age of 70 years, as a conservative estimate, if not more. Therefore, he would require prosthetic replacement at an interval of every 5 years until he attains the age of 70 years. Accordingly, we are inclined to award an amount of Rs.5,00,000/- for every 5-year period to meet the cost of replacement and necessary maintenance of the artificial limb. In the attending facts and circumstances of the present case, considering the 6 cycles of 5 years till the appellant attains the age of 70 years, the total compensation works out to be Rs.5,00,000/- X 6 = Rs.30,00,000/- under this head. It is made clear that the award under this head is made in the attending facts of this case and shall not constitute as a precedent.

11. We find that in recent cases the claim for compensation against the head of prosthetic limb has often come up for consideration before this Court. Almost in every case, no estimate for cost is provided, either as the basic cost of procurement or for periodic maintenance thereof. It is, as such we direct that henceforth whenever a claim for grant of compensation under the head of Prosthetic Limb/Artificial Limb is filed, then the same shall be accompanied with requisite quotations from at least two or three service providers, enabling the Tribunal to make an informed assessment of the actual cost which may be incurred in the future.

12. We further find that the appellant is entitled to higher compensation towards other heads as per the settled principles of law laid down in ***Raj Kumar v. Ajay Kumar***².

13. As a result of the discussion above, the computation of compensation payable to the appellant in accordance with the law, would be recalculated as under:

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.12,500/-	

2 (2011) 1 SCC 343

Yearly Income	Rs.1,50,000/-	
Future Prospects (40%)	1,50,000 + 60,000 = Rs.2,10,000/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 and 59
Multiplier (18)	2,10,000 X 18 = Rs.37,80,000/-	
Permanent Disability (100%)	100% of Rs.37,80,000/- = Rs.37,80,000/-	Nur Ahamad Abdulsab Kanavi v. Abdul Munaf, 2025 SCC Online SC 284 Para 10
Loss of Income/Future Earnings due to Disability	Rs.37,80,000/-	
Medical Expenses	Rs.36,424/-	Kajal v. Jagdish Chand (2020) 4 SCC 413 Para 19, 25, 26, 29 Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439 Para 63-66, 69, 73-76
Marriage Prospects	Rs.3,00,000/-	
Medical Expenses in the immediate future	Rs.2,00,000/-	
Special diet and Nourishment	Rs.1,00,000/-	
Loss of income during treatment	Rs.50,000/-	
Pain and Suffering	Rs.5,00,000/-	K.S. Muralidhar v. R. Subbulakshmi and Anr. 2024 SCC Online SC 3385 Para 13 - 14
Attendant Charges	Rs.2,00,000/-	
Loss of Amenities	Rs.1,00,000/-	Jakir Hussein v. Sabir, (2015) 7 SCC 252 Para 18
Prosthetic Limb (Repair and Replacement) and other medical expenses	Rs.30,00,000/-	Master Ayush v. Branch Manager, Reliance General Insurance Co. Ltd.

		(2022) 7 SCC 738 Para 14 Sanjay Rajpoot v. Ram Singh & Ors. 2025 SCC Online SC 285 Para 12
TOTAL	Rs.82,66,424/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs.22,01,095/-	Rs.30,99,095/-	Rs.82,66,424/-

14. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 30th September 2021 in MVC No.1200/2018 passed by the Senior Civil Judge and Additional M.A.C.T., Kundapura, as modified in terms of the impugned order dated 5th July 2024, passed in Miscellaneous First Appeal No.2165 of 2022 (MV-I), by the High Court of Karnataka at Bengaluru, stands modified accordingly. Interest on the amount is to be paid as awarded by the Tribunal i.e., @ 6 % per annum from the date of filing of the original claim petition.

15. The amount be directly remitted into the bank account of the 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.

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

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

**New Delhi;
11th September, 2025.**