

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(ARISING OUT OF SLP (CIVIL) NO. 24814 OF 2018)

M. PRADEESHA (MINOR)
[REP. BY FATHER M.MUNUSWAMY]

APPELLANT(S)

VERSUS

K. SRINIVASAN & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The appellant is aggrieved by the award dated 31.10.2013 passed by the Motor Accident Claims Tribunal (for short, the "Tribunal") as well as the impugned judgment of the High Court dated 23.03.2017 in terms whereof she has been granted compensation under the Motor Vehicles Act, 1988 only to the tune of Rs.1,72,000/- along with interest @7.5% per annum.

3. The unfortunate accident took place on 22.08.2010 when the appellant, her mother, and some more persons were travelling in a TATA ACE Van from south to north in Tambaram-Maduravoyal Bye Pass Road when the Van hit a stationary Lorry. It is alleged that the Lorry was parked in the middle of the road on the Porur Lake Bridge without any signal or indicator. The mother of the appellant sustained multiple fractures and injuries and died in the hospital. The appellant, who was 5 years old at that time, also sustained injuries. As per the medical certificate produced on behalf of the appellant before the Tribunal, which has been accepted by the High Court as well, she was found to have suffered 50% partial permanent disability.

4. On a query, counsel for the appellant informs that the

disability of the appellant has unfortunately further increased and, as a result of the injuries on her right leg thigh and from knee to ankle, she has lost stability of the leg. Though the appellant - a brave girl - is pursuing her academic pursuits but, as a result of the nature of the disability, it can hardly be disputed that : (i) the academic career of the appellant has been adversely impacted; (ii) her employment prospects have also been adversely affected; (iii) the personal life too is badly impaired as she requires constant assistance for movements; (iv) her marriage prospects would also be not as bright as would had she been hale and hearty; (v) the appellant has suffered not only physical pain but unmeasurable mental agony as well; (vi) she requires special food and nourishment to keep herself physically fit for her day to day routine; and (vii) the appellant has lost so many amenities and basic enjoyment of life.

5. It is urged that but for the permanent disability, the appellant would have availed greater opportunities of going for higher education in the institutes of eminence and become self-dependent. The resultant effect is that, throughout her life, she will not be able to earn the livelihood which a person of her age group with normal health conditions would be able to earn.

6. These losses cannot be measured exactly in monetary terms for the purpose of assessing the compensation. The appellant, of course, deserves to be suitably compensated so as to enable her to meet the day to day charges incurred on medical attendant(s), food, and other basic amenities. On this premise, it is urged that the appellant ought to have been granted compensation of Rs.32 lakhs.

7. On the other hand, counsel for the insurance companies, namely, respondent Nos. 2 and 4 vehemently oppose the appellant's claim, as according to them, the partial permanent disability has not caused a severe impediment on the appellant to pursue her academic or professional career and secure employment based upon such qualification. They submit that the disability certificate now produced before this Court cannot be relied upon and as per the certificate which was produced before the Tribunal, the compensation has been rightly assessed.

8. Having heard learned counsel for the parties and on perusal of the disability certificate, coupled with other relevant factors which have been briefly shortlisted in paragraph 4 of this order, we are satisfied that instead of assessing compensation under different heads, it is a fit case to invoke our powers under Article 142 of the Constitution to grant lumpsum suitable amount of compensation to the appellant.

9. Consequently, we allow this appeal to the extent that in addition to what has been awarded by the Tribunal and the High Court, the appellant shall be entitled to a lumpsum compensation of Rs.15 lakhs, which shall be paid by the insurance companies (respondent Nos. 2 and 4) in the same ratio, as has been fixed by the Tribunal and the High Court. If the amount of Rs.15 lakhs is paid to the appellant within 90 days, there shall be no liability to pay interest on that amount. However, if the insurance companies fail to make such payment within 90 days, the appellant shall be entitled to interest @7.5% per annum on the enhanced amount of compensation from the date of the impugned judgment of

the High Court till actual payment thereof. The appeal stands disposed of accordingly. The insurance companies shall be free to recover the amount from the owner of the vehicle in terms of the liberty already granted by the Tribunal/High Court.

.....J.
(SURYA KANT)

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

NEW DELHI;
MARCH 18, 2025.

