



2026:DHC:6581



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on : 20th July 2026*
Pronounced on : 13th August 2026
Uploaded on : 14th August 2026

+ **MAC.APP. 210/2025 & CM APPL. 18555/2025**

SIYARAM SINGH

.....Appellant

Through: Mr. Shighra Kumar, Mr.
Gaurav Khanna, Advocates.

versus

RELIANCE GENERAL INSURANCE CO LTD & ORS.

.....Respondents

Through: Mr. A. K. Soni, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. This appeal has been filed by the injured claimant seeking enhancement of compensation awarded *vide* impugned award dated 07th May 2024 passed by the Motor Accident Claims Tribunal, Central, Tis Hazari Courts, Delhi (*'MACT/Tribunal'*) in MACT No.363/2018 at Rs.49,79,840/- along with 8% interest.

2. The impugned award was challenged by respondent no.1/Insurance Company *vide* **MAC.APP.339/2024**, which was dismissed by this Court *vide* decision dated 27th January 2025.

The Incident

3. The accident occurred on the intervening night of 13-14th March



2026:DHC:6581



2017 at about 4:45 a.m. at *Shahbad Markanda Bridge* within the jurisdiction of P.S. Shahabad Markanda, Distt. Kurukshetra, Haryana. Appellant/injured claimant was travelling to Chandigarh in a Beat Chevrolet Car bearing no. PB-01-B-1256 (hereinafter, '*offending vehicle*') alongwith 3-4 passengers when respondent no.2/driver of the offending vehicle hit the backside of a truck being driven in front. As a result of the accident, appellant/injured claimant sustained head injuries and was referred to Ram Manohar Lohia Hospital, Delhi and went into coma on 25th March 2017 and continued to be in coma at the time of filing this appeal.

Impugned Award

4. On the issue of negligence, MACT held respondent no.2/driver liable for driving rashly and negligently and causing injuries to appellant/injured claimant.

5. As regards the quantum of compensation, various components awarded by the MACT are tabulated as under:

Sr. No.	Heads	Awarded by the Tribunal
PECUNIARY LOSS		
1.	Expenditure on treatment (A)	Rs. 7,31,066/-
2.	Expenditure on conveyance (B)	Rs. 50,000/-
3.	Expenditure on special diet (C)	Rs. 50,000/-
4.	Attendant Charges (D)	Rs. 50,000/-
5.	Income of injured (E)	Rs. 26,104.25/-
6.	Add: Future prospects @ 15% (F)	Rs. 3,915.63/-
7.	Multiplier (G)	9
8.	Functional disability (H)	100%
9.	Loss of income (Rs. 26,104.25 x	Rs. 1,56,626/-



2026:DHC:6581



	6) (I)	
10.	Loss of future income/future earnings [(E + F) x 12 x G x H] = (J)	Rs. 32,42,148/- (rounded off)
NON-PECUNIARY LOSS		
11.	Pain and suffering (K)	Rs. 1,00,000/-
12.	Loss of amenities of life and disfigurement (L)	Rs. 1,00,000/-
13.	Future medical treatment (M)	Rs. 5,00,000/-
14.	Total compensation (A + B + C + D + I + J + K + L + M) = N	Rs. 49,79,840/-
15.	Interest awarded	8%

Submissions on behalf of parties

6. *Mr. Shighra Kumar*, counsel for appellant/injured claimant, pleads enhancement of compensation particularly, on account of future medical expenses, pain and suffering, attendant charges, special diet, diapers and hygiene, physiotherapy, expenses towards transportation and conveyance. *Mr. Kumar*, stated that the appellant/injured claimant has been suffering from *post-traumatic hydrocephalus* ('*coma*') due to which excessive *Cerebro Spinal Fluid* ('*CSF*') is being formed in the brain. Appellant/Injured Claimant has to be taken to the hospital regularly, failing which he suffers from multiple seizures. It was pleaded that the MACT had mechanically awarded only Rs. 50,000/- towards conveyance, special diet, attendant, which ought to be enhanced.

7. As regards attendant charges, *Mr. Kumar*, stated that at present the wife of appellant/injured claimant was taking care of him and the physiotherapy was taking place at home on call basis.

8. *Per contra*, *Mr. A.K. Soni*, counsel for respondent no.1/Insurance



2026:DHC:6581



Company, stated that no evidence had been placed on record as regards the enhancement towards attendant charges.

9. *Mr. Kumar*, counsel for appellant/injured claimant, placed reliance upon various decisions of Supreme Court and this Court in order to buttress his argument regarding enhancement of compensation in cases of 100% functional disability, which are discussed forthwith.

Decisions of Supreme Court and this Court

10. In *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343, the Supreme Court held that the Tribunal must assess not merely the extent of permanent disability but its actual impact on the claimant's earning capacity, which may differ from the medical percentage of disability. This requires evaluating the claimant's pre-accident vocation, the functions affected, and whether livelihood can still be earned despite the disability. The Court emphasised that disability and loss of earning capacity are distinct concepts, except in cases where evidence shows they coincide. Relevant paragraphs are extracted as under:

"11. What requires to be assessed by the Tribunal is the effect of the permanent disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that the percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the



Tribunal will adopt the said percentage for determination of compensation.

12. Therefore, the Tribunal has to first decide whether there is any permanent disability and, if so, the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence:

(i) whether the disablement is permanent or temporary;

(ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement;

(iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person.

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

13. Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent



disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.”

(emphasis added)

11. In **Raj Kumar v. Ajay Kumar** (*supra*), the Court summarized the principles, which are extracted as under:

“19. We may now summarise the principles discussed above:

(i) *All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.*

(ii) *The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that the percentage of loss of earning capacity is the same as the percentage of permanent disability).*

(iii) *The doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.*

(iv) *The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.*”

(emphasis added)



12. ***Kajal v. Jagdish Chand***, (2020) 4 SCC 413, was a case involving injuries sustained by a minor child, which had rendered her bedridden for life. Her disability was assessed at 100%, noting that she was left with a very low IQ, severe weakness in all four limbs, hysteria and urinary incontinence. In order to award just compensation, while assessing compensation towards attendant charges, the Supreme Court applied the multiplier method, recognizing it to be reasonable and realistic method. Relevant paragraphs are extracted as under for ease of reference:

“Attendant charges

22. *The attendant charges have been awarded by the High Court @ Rs 2500 per month for 44 years, which works out to Rs 13,20,000. Unfortunately, this system is not a proper system. Multiplier system is used to balance out various factors. When compensation is awarded in lump sum, various factors are taken into consideration. When compensation is paid in lump sum, this Court has always followed the multiplier system. The multiplier system should be followed not only for determining the compensation on account of loss of income but also for determining the attendant charges, etc. This system was recognised by this Court in Gobald Motor Service Ltd. v. R.M.K. Veluswami [Gobald Motor Service Ltd. v. R.M.K. Veluswami, AIR 1962 SC 1]. The multiplier system factors in the inflation rate, the rate of interest payable on the lump sum award, the longevity of the claimant, and also other issues such as the uncertainties of life. Out of all the various alternative methods, the multiplier method has been recognised as the most realistic and reasonable method. It ensures better justice between the parties and thus results in award of “just compensation” within the meaning of the Act.*

23. *It would be apposite at this stage to refer to the observation of Lord Reid in Taylor v. O'Connor [Taylor v. O'Connor, 1971 AC*



115 : (1970) 2 WLR 472 (HL)] : (AC p. 128)

“Damages to make good the loss of dependency over a period of years must be awarded as a lump sum and that sum is generally calculated by applying a multiplier to the amount of one year's dependency. That is a perfectly good method in the ordinary case but it conceals the fact that there are two quite separate matters involved — the present value of the series of future payments, and the discounting of that present value to allow for the fact that for one reason or another the person receiving the damages might never have enjoyed the whole of the benefit of the dependency. It is quite unnecessary in the ordinary case to deal with these matters separately. Judges and counsel have a wealth of experience which is an adequate guide to the selection of the multiplier and any expert evidence is rightly discouraged. But in a case where the facts are special I think that these matters must have separate consideration if even rough justice is to be done and expert evidence may be valuable or even almost essential. The special factor in the present case is the incidence of income tax and, it may be, surtax.”

24. This Court has reaffirmed the multiplier method in various cases like *MCD v. Subhagwanti* [*MCD v. Subhagwanti*, AIR 1966 SC 1750], *U.P. SRTC v. Trilok Chandra* [*U.P. SRTC v. Trilok Chandra*, (1996) 4 SCC 362], *Sandeep Khanuja v. Atul Dande* [*Sandeep Khanuja v. Atul Dande*, (2017) 3 SCC 351]. This Court has also recognised that Schedule II of the Act can be used as a guide for the multiplier to be applied in each case. Keeping the claimant's age in mind, the multiplier in this case should be 18 as opposed to 44 taken by the High Court.

25. Having held so, we are clearly of the view that the basic amount taken for determining the attendant



charges is very much on the lower side. We must remember that this little girl is severely suffering from incontinence, meaning that she does not have control over her bodily functions like passing urine and faeces. As she grows older, she will not be able to handle her periods. She requires an attendant virtually 24 hours a day. She requires an attendant who though may not be medically trained but must be capable of handling a child who is bedridden. She would require an attendant who would ensure that she does not suffer from bedsores. The claimant has placed before us a notification of the State of Haryana of the year 2010, wherein the wages for skilled labourer is Rs 4846 per month. We, therefore, assess the cost of one attendant at Rs 5000 and she will require two attendants which works out to Rs 10,000 per month, which comes to Rs 1,20,000 p.a., and using the multiplier of 18, it works out to Rs 21,60,000 for the attendant charges for her entire life. This takes care of all the pecuniary damages.”

(emphasis added)

13. The decision in **Kajal** (*supra*), was thereafter, relied upon by the Supreme Court in **Jithendran v. New India Assurance Co. Ltd.**, (2022) 15 SCC 620, where the claimant had suffered 69% permanent disability with severe impairment of cognitive power with *hemiparesis* and *total aphasia* and *prognosis*. Considering the nature of injuries and cognitive impairment suffered by claimant, the Supreme Court assessed his functional disability at 100% calculating his loss of earning capacity. As regards attendant charges, no material was placed on record in support of the expenses incurred, therefore, the Court applied the multiplier method and enhanced the compensation. Noting the continuous nature of treatment taken by the claimant, even after the initial days of hospitalization, compensation



towards future medical expenses was also enhanced. Relevant findings of the Court are extracted as under:

“8. As earlier noted, the appellant has suffered 69% permanent disability and without assistance, cannot perform everyday functions. The claimant with seriously impaired cognitive and physical capabilities would surely need full-time assistance even for the confined life that he is leading. In such circumstances, the disabled claimant cannot be expected to rely only upon gratuitous services of his well-wishers and family members. Importantly, the presiding Judge in the Tribunal himself noticed that the claimant would require the assistance of a bystander/attendant for all his movements. Consequently, bearing in mind the need for assisted living and what was said in Kajal v. Jagdish Chand [Kajal v. Jagdish Chand, (2020) 4 SCC 413 : (2020) 3 SCC (Civ) 27 : (2020) 2 SCC (Cri) 577] , it is found necessary to add the expenses for service of an attendant for the claimant. Since no material is produced to quantify the expenses for the attendant, making a conservative estimate, Rs 5000 per month appears to be the bare minimum. It is therefore deemed appropriate to quantify the annual expenses at Rs 60,000 and applying the multiplier of 18, the additional compensation payable under the bystander head is quantified at Rs 10,80,000.

9. The appellant has produced adequate medical documents before the High Court to show the recurring needs for testing, treatment and further hospitalisation for which, considerable expenses were incurred even after the initial 191 days of hospitalisation. As a person suffering severe cognitive impairment and 69% disability, recurring medical treatment is inevitable and bearing in mind the additional expenses already incurred, we deem it appropriate to enhance the future medical expenses to Rs 3,00,000 (from Rs 1,00,000), since the sum quantified by the High Court appears to be on the lower side.



10. While the permanent disability as certified by the doctors stands at 69%, the same by no means, adequately reflects the travails the impaired claimant will have to face all his life. The 21 year old's youthful dreams and future hopes were snuffed out by the serious accident. The young man's impaired condition has certainly impacted his family members. Their resources and strength are bound to be stressed by the need to provide full time care to the claimant. For the appellant to constantly rely on them for stimulation and support is destined to cause emotional, physical and financial fatigue for all the stakeholders.

(emphasis added)

14. Another decision which applied the multiplier method is ***Abhimanyu Partap Singh v. Namita Sekhon***, (2022) 8 SCC 489. As regards attendant charges, the Court observed that the injured claimant, now a major, would require diapers and at least two attendants within 24 hours. Therefore, the multiplier of 18 was adopted. Apart from identifying medical expenses incurred on account of attendant charges, the Court acknowledged that the injured claimant should be awarded compensation under the head of physiotherapy, which had been awarded in lumpsum, including the expenses for diapers. Therefore, compensation towards physiotherapy charges and use of diapers were awarded separately. Further enhancements were also made towards conveyance charges and non-pecuniary damages. Relevant findings of the Court are extracted as under:

“23. In the head of medical expenses, the MACT or the High Court has not awarded any compensation presumably because the mother of the claimant, who was minor at the time of accident, may have claimed the amount of medical expenses being an IAS officer. But now the claimant has become major, and looking to the nature of injuries, future medical expenses that



includes the attendant charges, use of diapers due to loss of urination senses is required to be calculated including future medical expenses. The Tribunal awarded Rs 1,92,000 in the head of attendant charges @ Rs 1000 p.m. While the High Court proceeded on the premises that the rate of the attendant charges is variable after every five years, however, the Court calculated the amount @ Rs 2000 thereafter @ Rs 4000 p.m. for a period of 20 years and accordingly determined Rs 9,00,000 making enhancement of Rs 7,08,000 in the said head. As discussed, if we apply the multiplier method and in view of the judgment of Kajal [Kajal v. Jagdish Chand, (2020) 4 SCC 413 : (2020) 3 SCC (Civ) 27 : (2020) 2 SCC (Cri) 577], we accept the rate of attendant charges at Rs 5000 p.m. for 12 hours, looking to the nature of injuries and disability the claimant is required two attendants at least within 24 hours then the expenses in the head of attendant charges comes to Rs 10,000 p.m. If we apply the multiplier of 18, the amount comes to Rs 21,60,000. 24. Similarly for medical expenses in the head of physiotherapy required to the claimant, the Tribunal awarded Rs 2,88,000 @ Rs 50 per day. The High Court granted lump sum amount of Rs 8,00,000 including the expenses for diapers. In our considered opinion, the said amount is not adequate. In these days the physiotherapist would charge at least Rs 150 per day to treat the patient for one hour which monthly comes to Rs 4500 and annually Rs 54,000; applying the multiplier of 18, the amount in the head of physiotherapy charges comes to Rs 9,72,000. For the purpose of use of diapers, regular medical check-up and medical expenses if we further add Rs 2,00,000 then in the head of future medical expenses the amount comes to Rs 11,72,000.”

(emphasis added)

15. In **Pappu Deo Yadav v. Naresh Kumar**, (2022) 13 SCC 790, while assessing compensation, the Court observed that the victim must be placed



as near a position as he or she was before the accident. In this case, the claimant had suffered an amputation of right upper limb with his disability certified at 89%. The disability report stated that the condition was non-progressive and not likely to improve. Recognizing that an accident leaves not only physical, but also an emotional impact, the Court made the following observations which are extracted as under:

“23. In parting, it needs to be underlined that courts should be mindful that a serious injury not only permanently imposes physical limitations and disabilities but too often inflicts deep mental and emotional scars upon the victim. The attendant trauma of the victim's having to live in a world entirely different from the one she or he is born into, as an invalid, and with degrees of dependence on others, robbed of complete personal choice or autonomy, should forever be in the Judge's mind, whenever tasked to adjudge compensation claims. Severe limitations inflicted due to such injuries undermine the dignity (which is now recognised as an intrinsic component of the right to life under Article 21) of the individual, thus depriving the person of the essence of the right to a wholesome life which she or he had lived, hitherto. From the world of the able bodied, the victim is thrust into the world of the disabled, itself most discomfiting and unsettling. If courts nit-pick and award niggardly amounts oblivious of these circumstances, there is resultant affront to the injured victim.”

(emphasis added)

16. The Supreme Court in ***K.S. Muralidhar v. R. Subbulakshmi and Anr.*** 2024 SCC Online SC 3385, observed that “*pain and suffering*” cannot be captured by any fixed definition, drawing on legal, medical, and philosophical sources to emphasise its deeply subjective and life-altering nature. It recognised that translating such profound human loss into money



is an inherently artificial exercise, yet courts must ensure fairness, consistency, and sensitivity to the victim's lifelong deprivation. The Court stressed that in cases of severe or 100% disability, compensation must meaningfully reflect the permanent rupture in the victim's physical, emotional, and existential well-being. Relevant paragraphs are extracted as under:

“13. While acknowledging that ‘pain and suffering’, as a concept escapes definition, we may only refer to certain authorities, scholarly as also judicial wherein attempts have been made to set down the contours thereof.

13.1 The entry recording the term ‘pain and suffering’ in P. Ramanatha Iyer's Advanced Law Lexicon⁹ reads as under:—

“Pain and suffering. The term ‘Pain and suffering’ mean physical discomfort and distress and include mental and emotional trauma for which damages can be recovered in an accident claim.

This expression has become almost a term of art, used without making fine distinction between pain and suffering. Pain and suffering which a person undergoes cannot be measured in terms of money by any mathematical calculation. Hence the Court awards a sum which is in the nature of a conventional award [Mediana, The, [1900] A.C. 113, 116]”

...

13.5 In determining non-pecuniary damages, the artificial nature of computing compensation has been highlighted in Heil v. Rankin, as referred to



in Attorney General of St. Helenav. AB as under:—

“23. This principle of ‘full compensation’ applies to pecuniary and non-pecuniary damage alike. But, as Dickson J indicated in the passage cited from his judgment in Andrews v. Grand & Toy Alberta Ltd., 83 DLR (3d) 452, 475-476, this statement immediately raises a problem in a situation where what is in issue is what the appropriate level of ‘full compensation’ for non-pecuniary injury is when the compensation has to be expressed in pecuniary terms. There is no simple formula for converting the pain and suffering, the loss of function, the loss of amenity and disability which an injured person has sustained, into monetary terms. Any process of conversion must be essentially artificial. Lord Pearce expressed it well in H West & Son Ltd. v. Shephard, [1964] A.C. 326 when he said:

‘The court has to perform the difficult and artificial task of converting into monetary damages the physical injury and deprivation and pain and to give judgment for what it considers to be a reasonable sum. It does not look beyond the judgment to the spending of the damages.’

24. The last part of this statement is undoubtedly right. The injured person may not even be in a position to enjoy the damages he receives because of the injury which he has sustained. Lord Clyde recognised this in Wells v. Wells, [1999] A.C. 345, 394H when he said: ‘One clear principle is that what the successful plaintiff



will in the event actually do with the award is irrelevant.”

...

14. In respect of ‘pain and suffering’ in cases where disability suffered is at 100%, we may notice a few decisions of this Court:—

14.1 In R.D Hattangadi v. Pest Control (India) (P) Ltd. It was observed:

“17. The claim under Sl. No. 16 for ‘pain and suffering’ and for loss of amenities of life under Sl. No. 17, are claims for non-pecuniary loss. The appellant has claimed lump sum amount of Rs. 3,00,000 each under the two heads. The High Court has allowed Rs. 1,00,000 against the claims of Rs. 6,00,000. When compensation is to be awarded for ‘pain and suffering’ and loss of amenity of life, the special circumstances of the claimant have to be taken into account including his age, the unusual deprivation he has suffered, the effect thereof on his future life. The amount of compensation for non-pecuniary loss is not easy to determine but the award must reflect that different circumstances have been taken into consideration. According to us, as the appellant was an advocate having good practice in different courts and as because of the accident he has been crippled and can move only on wheelchair, the High Court should have allowed an amount of Rs. 1,50,000 in respect of claim for ‘pain and suffering’ and Rs. 1,50,000 in respect of loss of amenities of life. We direct payment of Rs. 3,00,000 (Rupees three lakhs only) against the claim of Rs. 6,00,000 under the heads



2026:DHC:6581



“‘pain and suffering’” and “Loss of amenities of life”.

(Emphasis Supplied)

14.2 This Judgment was recently referred to by this Court in *Sidram v. United India Insurance Company Ltd* reference was also made to Karnataka *SRTC v. Mahadeva Shetty* (irrespective of the percentage of disability incurred, the observations are instructive), wherein it was observed:

“18. A person not only suffers injuries on account of accident but also suffers in mind and body on account of the accident throughout his life and a feeling is developed that his no more a normal man and cannot enjoy the amenities of life as another normal person can. While fixing compensation for pain and suffering as also for loss of amenities, features like his age, marital status and unusual deprivation he has undertaken in his life have to be reckoned...”

(emphasis added)

17. This Court in *Jyoti Singh v. Nand Kishore*, 2023:DHC:2569 was adjudicating the claim of a minor who suffered 100% disability. It was submitted that she would be wheelchair-bound for her lifetime and would be unable to move on her own without an assistant. According to the medical opinion, the claimant would require diapers and bowel monitoring due to her condition. Accordingly, the Court adopted the multiplier method and awarded compensation towards attendants, physiotherapy, wheelchair and sanitary expenses, among others.



2026:DHC:6581



Analysis

18. Court has perused the medical evidence placed on record and in order to understand, the medical situation of injured/claimant, certain facts are instructive:

- a. At the time of filing the claim petition, appellant/injured claimant was in a state of coma, aged about 58 years and was working as a trainer/tutor.
- b. Functional disability awarded by the MACT was 100%, which has been upheld by this Court's order dated 27th January 2025 dismissing the respondent no.1/Insurance Company's appeal.
- c. The testimony of wife of appellant/injured claimant ('*PWI*'), where she stated that the husband had become permanently disabled and has not resumed any work. The Court on 27nd January 2025 noted that there was nothing on record to make the testimony unreliable.
- d. Disability certificate obtained from Lok Nayak Jai Prakash Hospital, New Delhi notes various dates on which appellant/injured claimant was clinically examined and was advised Neurosurgery opinion, Occupation Therapy & Physiotherapy assessment, Neurology opinion & Psychiatry opinion. In view of *tetraplegia*, his locomotor disability was certified at 90%. The veracity of disability certificate has not been disputed by Insurance Company.
- e. The Out-Patient Department ('*OPD*') registration card dated 26th December 2024 notes abnormal body movement, seizure every 2 hours and the use of right programmable VP Shunt for his seizure



2026:DHC:6581



disorder. The card also finds mentions of complains of *post-traumatic hydrocephalous* and was advised to refer to neurosurgery. Another report dated 27th December 2024 issued by Department of Radio Diagnosis noted that, “*VP Shunt seen in side with lip line in body of ventricle left lateral.*”

- f. Further medical documents filed by appellant/injured claimant after filing of this appeal provide pharmacy receipts from the years 2025-2026, which includes *inter alia*, medication for seizures, acid reflux, nerve relaxants, etc.

19. It has been stated in the appeal that appellant/injured claimant has been operated twice in *Dr. Ram Manohar Lohia Hospital*, New Delhi and the doctors have installed a *medronic shunt* from the brain to the urethra whose main function is to remove the *CSF* formed in the brain through the urethra. Since the shunt has changed pressure due to exposure to magnetic field, he has to visit the hospital repeatedly. Due to an increase in the amount of *CSF* in the brain, appellant/injured claimant starts having multiple seizures and he has to be taken down on a stretcher from the second floor to the hospital, sometimes even during the middle of the night.

20. It has been further stated that half of the body of appellant/injured claimant has been paralyzed since the accident had occurred and he will remain bedridden for the rest of his life. He cannot walk on his own, get up or sit, make any kind of movement, do any kind of work, make any gesture, speak, eat food or drink water. He has to use *Ryles tube* for feeding and *Guedel* for giving water. He regularly needs diapers and cotton for defecation and a urine bag and catheter for urination. Moreover, it has been



2026:DHC:6581



stated that he is suffering from bedsore due to lying down for long and that he has been in this situation for the last eight years.

21. In these circumstances, the Court is of the opinion that compensation shall be enhanced in the following terms:

- i. *Attendant charges* were awarded at Rs.50,000/-, however, considering the appellant/injured claimant's need for support, it is obvious that injured would require at least one attendant to assist him in his chores. Accordingly, applying the multiplier method as discussed above in **Kajal** (*supra*), **Abhimanyu Partap Singh** (*supra*), **Jithendran** (*supra*) and **Jyoti Singh** (*supra*), skilled wages at Rs.22,411/- per month with the multiplier of '9', considering his age, should be awarded towards attendant charges. Therefore, Rs. 24,20,388/- ($Rs.22,411/- \times 12 \times 9$) shall be awarded.
- ii. Expenses towards *special diet* were awarded at Rs.50,000/- by the MACT. Considering the medical condition, the appellant would require an enriched diet and protein supplements for the rest of his life to cater to his food requirements, which as per the appellant/injured claimant, is incurring an expense of Rs.10,000/- per month. Therefore, a lump sum amount of Rs. 5,00,000/- shall be awarded.
- iii. As regards *diaper and hygiene expenses*, considering the appellant/injured claimant is suffering from a condition where he has no control over his bladder and bowel movement, a lump sum amount of Rs. 5,00,000/- shall be awarded on this count. This amount shall be added towards future medical expenses.



2026:DHC:6581



- iv. No expenses were granted towards *physiotherapy* by the MACT. Considering his situation, physiotherapy for sustaining movement of internal organs and bowel movement, would be necessary. An estimate for Rs.15,000/- per month is given, which is apposite in the opinion of this Court, therefore, in view of the decisions in ***Abhimanyu Partap Singh*** (*supra*) and ***Jyoti Singh*** (*supra*), the same is awarded with the multiplier of '9'. Accordingly, Rs. 16,20,000/- (Rs. 15,000 x 12 x 9) shall be awarded.
- v. MACT has awarded Rs. 50,000/- towards conveyance, however, considering the hospital visits that the appellant/injured claimant has to undertake due to frequent seizures, an amount of Rs. 2,50,000/- shall be awarded.
- vi. For *pain and suffering* only Rs.50,000/- was awarded, which is highly inadequate. Relying upon the decision of Supreme Court in ***K.S. Muralidhar*** (*supra*), in such a situation, same may be enhanced to Rs.15,00,000/-.
- vii. *Loss of amenities of life and disfigurement* has been awarded at Rs. 1,00,000/- which shall be enhanced to Rs. 2,50,000/- considering that appellant/injured claimant had remained in coma since the accident.
22. It may also be noted that future prospects have been awarded at 15%, which shall be awarded at 10% in view of the decision in ***National Insurance Co. Ltd. v. Pranay Sethi*** (2017) 16 SCC 680, considering that appellant/injured claimant was employed in a private job.
23. Accordingly, the revised computation is as under:



2026:DHC:6581



Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1.	Expenditure on treatment (A)	Rs. 7,31,066/-	Rs. 7,31,066/-
2.	Expenditure on conveyance (B)	Rs. 50,000/-	Rs. 2,50,000/-
3.	Expenditure on special diet (C)	Rs. 50,000/-	Rs. 5,00,000/-
4.	Attendant Charges (D)	Rs. 50,000/-	Rs. 24,20,388/-
5.	Income of injured (E)	Rs. 26,104.25/-	Rs. 26,104.25/-
6.	Add: Future prospects (F)	Rs. 3,915.63/-	Rs. 2,611/-
7.	Multiplier (G)	9	9
8.	Functional disability (H)	100%	100%
9.	Loss of income (Rs. 26,104.25 x 6) (I)	Rs. 1,56,626/-	Rs. 1,56,626/-
10.	Loss of future income/future earnings [(E + F) x 12 x G x H] = (J)	Rs. 32,42,148/- (rounded off)	Rs. 31,01,247/-
NON-PECUNIARY LOSS			
11.	Pain and suffering (K)	Rs. 1,00,000/-	Rs. 15,00,000/-
12.	Loss of amenities of life and disfigurement (L)	Rs. 1,00,000/-	Rs. 2,50,000/-
13.	Future medical treatment (M)	Rs. 5,00,000/-	Rs. 10,00,000/-
14.	Total compensation (A + B + C + D + I + J + K + L + M) = N	Rs. 49,79,840/-	Rs. 99,09,327/-
15.	Interest awarded	8%	8%

24. For the aforesaid reasons, compensation has been enhanced by Rs. 49,29,487/- [***“enhanced amount”***].

25. Enhanced amount along with 8% interest per annum from the date of filing the petition shall be deposited before MACT within a period of six weeks. It is directed that a lump sum amount of Rs. 15,00,000/- shall be



2026:DHC:6581



released to appellant/injured claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (**FDRs**) of Rs. 30,000/- each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

26. Appeal is disposed of in the above terms.

27. Pending applications, if any, are rendered infructuous.

28. Copy of this judgment be sent to the concerned MACT/concerned Bank for information and necessary compliance.

29. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

AUGUST 13, 2026/ak/sp