

FAO-4471-2025 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-4471-2025 (O&M)

Reserved on: 12.12.2025

Date of decision: 23.12.2025

Uploaded on: 24.12.2025

RAJAT SHARMA

.....Appellant

Vs.

UNITED INDIA INSURANCE CO. LTD ORS.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Malvi Aggarwal, Advocate
Mr. Karan Singla, Advocate
for the appellant.

Mr. Raj Kumar, Advocate
for respondent No.1-Insurance Company.

None for respondent No.2 (despite service).

SUDEEPTI SHARMA J.

CM-7153-CII-2025

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 388 days in filing the appeal.
2. Learned counsel for the appellant contends that appellant would not ask for interest for the delayed period.
3. Notice in the application.
4. On asking of the Court, Mr. Raj Kumar, Advocate accepts notice on behalf of respondent No.1 and contends that he has no objection if the application is allowed.

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5. For the reasons mentioned in the application for condonation of delay which is supported by an affidavit, the application is allowed.

6. The delay of 388 days in filing the appeal is condoned.

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1. The present appeal has been preferred against the award dated 30.04.2024 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (in short '1988 Act'), by the learned Motor Accident Claims Tribunal, Yamuna Nagar (in short 'the Tribunal') for enhancement of compensation, granted to the appellant/claimant to the tune of Rs.5,51,000/- along with interest @ 7.5% per annum on account of injuries sustained by the appellant/claimant – Rajat Sharma in a motor vehicular accident, occurred on 14.02.2019.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The learned counsel for the appellant/claimant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, he prays that the present appeal be allowed and the compensation awarded to the appellant/claimant be enhanced, as per latest law.

4. *Per contra*, learned counsel for the respondent No.1-Insurance Company, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by Ld. Tribunal, has rightly been granted to the appellant/claimant. Therefore, he prays for dismissal of the present appeal.

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5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

SETTLED LAW ON COMPENSATION

6. Hon'ble Supreme Court has settled the law regarding grant of compensation with respect to the disability. The Apex Court in the case of **Raj Kumar Vs. Ajay Kumar and Another (2011) 1 Supreme Court Cases 343**, has held as under:-

General principles relating to compensation in injury cases

5. *The provision of the Motor Vehicles Act, 1988 ('Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See C.K. Subramonia Iyer v. T. Kunhikuttan Nair, AIR 1970 Supreme Court 376, R.D. Hattangadi v. Pest Control (India) Ltd., 1995 (1) SCC 551 and Baker v. Willoughby, 1970 AC 467).*

6. *The heads under which compensation is awarded in personal injury cases are the following :*

Pecuniary damages (Special Damages)

(i) *Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*

(ii) *Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :*

(a) *Loss of earning during the period of treatment;*

(b) *Loss of future earnings on account of permanent disability.*

(iii) *Future medical expenses. Non-pecuniary damages (General Damages)*

(iv) *Damages for pain, suffering and trauma as a consequence of the injuries.*

(v) *Loss of amenities (and/or loss of prospects of marriage).*

(vi) *Loss of expectation of life (shortening of normal longevity).*

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

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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 percentage of loss of earning capacity is the same as 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 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.

20. The assessment of loss of future earnings is explained below with reference to the following

Illustration 'A' : *The injured, a workman, was aged 30 years and earning Rs. 3000/- per month at the time of accident. As per Doctor's evidence, the permanent disability of the limb as a consequence of the injury was 60% and the consequential permanent disability to the person was quantified at 30%. The loss of earning capacity is however assessed by the Tribunal as 15% on the basis of evidence, because the claimant is continued in employment, but in a lower grade. Calculation of compensation will be as follows:*

a) Annual income before the accident : Rs. 36,000/-.

b) Loss of future earning per annum

(15% of the prior annual income) : Rs. 5400/-.

c) Multiplier applicable with reference to age : 17

d) Loss of future earnings : (5400 x 17) : Rs. 91,800/-

Illustration 'B' : *The injured was a driver aged 30 years, earning Rs. 3000/- per month. His hand is amputated and his permanent disability is assessed at 60%. He was terminated from his job as he could no longer drive. His chances of getting any other employment*

was bleak and even if he got any job, the salary was likely to be a pittance. The Tribunal therefore assessed his loss of future earning capacity as 75%. Calculation of compensation will be as follows :

- a) Annual income prior to the accident : Rs. 36,000/- .*
- b) Loss of future earning per annum
(75% of the prior annual income) : Rs. 27000/-.*
- c) Multiplier applicable with reference to age : 17*
- d) Loss of future earnings : (27000 x 17) : Rs. 4,59,000/-*

Illustration 'C' : *The injured was 25 years and a final year Engineering student. As a result of the accident, he was in coma for two months, his right hand was amputated and vision was affected. The permanent disablement was assessed as 70%. As the injured was incapacitated to pursue his chosen career and as he required the assistance of a servant throughout his life, the loss of future earning capacity was also assessed as 70%. The calculation of compensation will be as follows :*

- a) Minimum annual income he would
have got if had been employed as an
Engineer : Rs. 60,000/-*
 - b) Loss of future earning per annum
(70% of the expected annual income) : Rs. 42000/-*
 - c) Multiplier applicable (25 years) : 18*
 - d) Loss of future earnings : (42000 x 18) : Rs. 7,56,000/-*
- [Note : The figures adopted in illustrations (A) and (B) are hypothetical. The figures in Illustration (C) however are based on actuals taken from the decision in Arvind Kumar Mishra (supra)].*

7. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.** [(2017) 16 SCC 680] has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

- (A) Deduction of personal and living expenses to determine multiplicand;
- (B) Selection of multiplier depending on age of deceased;
- (C) Age of deceased on basis for applying multiplier;
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;
- (E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

“ Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses

should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.”

8. Hon’ble Supreme Court in the case of **Erudhaya Priya Vs. State Express Tran. Corpn. Ltd. 2020 ACJ 2159**, has held as under:-

*“ 7. There are three aspects which are required to be examined by us:
(a) the application of multiplier of '17' instead of '18';*

The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others, 2017 ACJ 2700 (SC). In para 46 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others v. Delhi Transport Corporation and Another, 2009 ACJ 1298 (SC) . In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.

The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.

(b) Loss of earning capacity of the appellant with permanent disability of 31.1%

In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para 8:

"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:

- (i) Pain, suffering and trauma resulting from the accident;*
- (ii) Loss of income including future income;*
- (iii) The inability of the victim to lead a normal life together with its amenities;*
- (iv) Medical expenses including those that the victim may be required to undertake in future; and*
- (v) Loss of expectation of life."*

[emphasis supplied]

The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well established to quantify the loss of income as a result of death or permanent disability suffered in an accident.

In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from August 2011 to January 2013. The nature of injuries had been set out as under:

"Nature of injury:

- (i) compound fracture shaft left humerus*
- (ii) fracture both bones left forearm*
- (iii) compound fracture both bones right forearm*
- (iv) fracture 3rd, 4th & 5th metacarpals right hand*
- (v) subtrochanteric fracture right femur*
- (vi) fracture shaft femur*
- (vii) fracture both bones left leg*

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 13 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 61(iii), considering the age of the appellant, would be 50% of the actual salary in the present case.

(c) The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish's case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8. The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as

set out in para 5 of the synopsis, would have to be adopted as follows:

<i>Heads</i>	<i>Awarded</i>
<i>Loss of earning power (Rs.14,648 x 12 x 31.1/100)</i>	<i>Rs. 9,81,978/-</i>
<i>Future prospects (50 per cent addition)</i>	<i>Rs.4,90,989/-</i>
<i>Medical expenses including transport charges, nourishment, etc.</i>	<i>Rs.18,46,864/-</i>
<i>Loss of matrimonial prospects</i>	<i>Rs.5,00,000/-</i>
<i>Loss of comfort, loss of amenities and mental agony</i>	<i>Rs.1,50,000/-</i>
<i>Pain and suffering</i>	<i>Rs.2,00,000/-</i>
<i>Total</i>	<i>Rs.41,69,831/-</i>

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per annum from the date of application till the date of payment.

9. A perusal of the award reveals that the appellant/claimant was stated to be 23 years old and was a final year B.Tech student. The factum of the age is not disputed, therefore, the learned Tribunal has rightly applied the multiplier of 18.

10. A further perusal of the award reveals that the deceased was stated to be earning ₹20,000/- per month while being engaged in the telecommunication industry and was also a final-year student of Engineering. The learned Tribunal, however, fell into error by assessing the income of the deceased solely on the basis of the prevailing minimum wages in the State, without due consideration of his academic qualifications and the clear bearing such qualifications would have had on his future earning potential.

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11. The Hon'ble Supreme Court, in its recent pronouncement in **Sharad Singh v. H.D. Narang, 2025 INSC 1164**, has categorically held that mechanical adoption of minimum wages is not a realistic approach in cases where the deceased was academically qualified and poised to enter a professional career.

12. The relevant portion of the said judgment is reproduced hereunder:

*“4. The next contention is regarding the loss of income computed. The appellant was a final year B.Com student who had also enrolled with the Institute of Chartered Accountants of India. The Tribunal adopted an income of Rs. 3,339/- per month being the minimum wages applicable to a workman. The High Court found that though he had academic prospects, the victim was yet to attain the qualification, which places the Court at a disadvantage in adopting the income of a Chartered Accountant. The High Court adopted an income of Rs. 3,352/-. While the Tribunal adopted a multiplier of 17, the High Court correctly increased it to 18 as is laid down by a Constitution Bench in **National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680**.*

5. The Tribunal awarded a total amount of Rs. 18,03,512/- which was the total of the medical bills and the loss of income computed as hereinabove mentioned as also Rs. 1 lakh for pain and suffering. The High Court increased the quantum of income and awarded a total amount of Rs. 7,24,032/- as loss of income with 100% disability. The High Court further awarded an amount of Rs. 14 lakhs which included attendant charges, loss of amenities, compensation for pain and suffering, loss of marriage prospects and disfigurement occurred, in addition to the total medical expenses of Rs. 11,22,356/-. The total compensation awarded by the High Court came to Rs. 32,46,388/-.

6. *The learned Senior Counsel for the appellant argued that there was no rationale in adopting the minimum wages for determining the income of a bright student who was in the process of completing his graduation and proceeding to sit for the Chartered Accountants examinations. The learned Counsel for the Insurance Company first argued that the amounts determined as minimum wages, is as per the schedule in Delhi relatable to a graduate. We were not convinced that the minimum wages would be determined on the basis of the educational qualification alone without reference to the nature of work carried on. The learned Counsel after further verification submitted that minimum wages adopted is of the year 2001 applicable to a skilled worker. We are not convinced that even that can be adopted for a graduate who was in the process of sitting for the Chartered Accountant examination which would have placed him in a good employment with immense prospects. The aspirations of the young man were shattered by the accident which left him paraplegic and fighting for breath, which also prompted the parents to relocate to another part of the country. We are of the opinion that even if he had not obtained the certificate as a Chartered Accountant, upon graduation, he could have been employed as an Accountant, who would have, on any reasonable estimate, received an amount of Rs. 5,000/- as monthly income in the year 2001, if the minimum wages prescribed for a skilled worker was Rs. 3,352/-. Adopting Rs. 5,000/- as monthly income, we are of the opinion that, as has been held in Pranay Sethi, 40% has to be computed as future prospects. The loss of income for the 100% disabled paraplegic would be Rs. 15,12,000/- (Rs. 5,000/- $\times$ 140% $\times$ 12 $\times$ 18). To this is to be added an amount of Rs. 14 lakhs granted by the High Court under conventional heads and the medical expenses of Rs. 11,22,356/- totalling to Rs. 40,34,356/-. The total award*

carrying interest @ 9% per annum from the filing of the petition till realisation, as awarded by the Tribunal & the High Court and enhanced by us will be paid to the substituted appellant within a period of four months from today.”

13. Further, the Hon'ble Supreme Court in **Kandasami and Others v. Linda Briyal and Another, 2023 ACJ 1653** while assessing the income of an engineering graduate, took into account his educational background and employment prospects and assessed his income at ₹25,000/- per month.

14. The relevant portion of the said judgment is reproduced as under:

“4. The only question for consideration herein is with regard to the quantum of compensation. The accident had occurred on 28.09.2008 and the deceased was aged 28 years. It is the claim of the appellants that the deceased had completed B-Tech course and also done a course in Computer Applications. Though, the salary certificate exhibited at Annexure P-35 was relied upon by the appellants before the MACT, the salary as indicated in the Salary Certificate has not been accepted by the MACT since the P.W.2 who had issued the salary certificate himself has stated that he had started his company about three months back and there was no other document to establish the same.

5. Be that as it may, even in that circumstance, when it is established that the deceased was an engineering graduate and the employment opportunities during the year 2008 is kept in view, even on a conservative estimate the sum of Rs.25,000/- to be reckoned would be justified. In that view, in the instant case we would reckon income of the deceased at Rs.25,000/- per month. Towards the same, 40% is to be awarded as 'future prospects' which would be in a sum of Rs.10,000/-. Hence, the total income would be Rs.35,000/- per month of which 50% is

to be deducted, as the deceased was Bachelor. The amount of Rs.17,500/- if taken on the annual basis and the appropriate multiplier of '17' is applied, the amount would be in a sum of Rs.35,70,000/-. The sum of Rs.70,000/- is added towards 'conventional heads'. Hence, the total compensation would work out Rs.36,40,000/-. The High Court has awarded a sum of Rs.10,97,000/-. The appellants would therefore be entitled to the enhanced compensation of Rs. 25,43,000/-with interest at 7.5% per annum from the date of the petition before the MACT till the date of payment.”

15. In view of the aforesaid authoritative pronouncements and considering the facts and circumstances of the present case, this Court deems it appropriate to reassess the income of the claimant at ₹20,000/- per month.

16. A further perusal of the award shows that the learned Tribunal has awarded the compensation on the lower side to the claimant under the heads of Pain and suffering, which is required to be enhanced.

17. It is trite law that permanent disability suffered by an individual not only impairs his cognitive abilities and his physical facilities, but there are multiple non-quantifiable implications for the victim. Further, the very fact that healthy person turns into invalid being deprived of normal companionship and incapable of leading a productive life makes one suffer loss of dignity.

18. As per the facts of the case the claimant/appellant suffered fracture on the left scapula and the movement of his upper limb was compromised. In this regard, PW-3 Dr. Anuj Mangla, CMO, Yamuna Nagar, Haryana was examined vide which he deposed that the claimant/appellant suffered fracture of left scapula with 'brachial plexus' injury left side with weakness of left upper limb, which is not likely to improve. He also proved disability certificate Ex.P-7, which shows

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25% partial permanent disability which is not likely to improve. Further, claimant/apellant remained hospitalized for seven days. This fairly concludes the fact that the claimant/appellant has suffered immense amount of pain and agony due to the accident in question.

19. The Hon'ble Apex Court in the case of '**KS Muralidhar versus R Subbulakshmi and another 2024 INSC 886**' highlighted the intangible but devastating consequence of pain and suffering. The relevant portion of the same is reproduce as under:-

“15. Keeping in view the above-referred judgments, the injuries suffered, the 'pain and suffering' caused, and the life-long nature of the disability afflicted upon the claimant-appellant, and the statement of the Doctor as reproduced above, we find the request of the claimant-appellant to be justified and as such, award Rs.15,00,000/- under the head 'pain and suffering', fully conscious of the fact that the prayer of the claimant-appellant for enhancement of compensation was by a sum of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.”

20. Therefore, in view of the above judgment and facts and circumstances of the present case, this Court deems it appropriate to grant compensation of **Three lakhs** under the heads of pain and suffering.

21. Further perusal of the record shows that the appellant/claimant suffered various grievous injuries on her body making her life miserable. As a result, he had to depend on others for his daily activities and likely to have employed an attendant to assist him for his physical movements. This Court has dealt with similar issue in

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case titled as *Ajay Kumar vs. Jasbir Singh and others, passed in FAO No 1356-2007, decided on 18.02.2025*. The relevant portion of the same is reproduced as under:-

“ATTENDANT CHARGES

36. So far as attendant charges is concerned, the Hon’ble Apex Court in *Kajal Vs. Jagdish Chand and others, 2020(2)R.C.R.(Civil) 27*, held that where injured was a female child aged about 12 years and date of the accident was 18.10.2007 and it was observed by the Hon'ble Apex Court that **to determine the attendant charges, Multiplier system should be applied**. Relevant paragraphs No. 22 and 25 of the aforesaid judgment are as under:

"22. The attendant charges have been awarded by the High Court at the rate of Rs.2,500 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 facts 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 recognized by this Court in *Gobald Motor Service Ltd. v. R.M.K. Veluswami*, 1958-65 ACJ 179 (SC). 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 recognized 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. xxxxx

24. xxxxx

25. *Having held so, we are clearly of the view that the basic amount taken for determining 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 bed sores. 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.4,846 per month. We, therefore, assess the cost of one attendant at Rs.5,000 and she will require two attendants which works out to Rs.10,000/- per month, which comes to Rs. 1,20,000/- per annum, and using the multiplier of 18 it works out Rs. 21,60,000 for attendant charges for her entire life. This take care of all the pecuniary damages.*

37. *In view of the above as per the Disability Certificate, which is 100% and which requires full-time attendant, therefore, it would be appropriate to decide the attendant charges accordingly. 100% disability would require day and night attendants, meaning thereby two attendants would be required. Further 100% disability of the appellant-claimant would require trained attendant i.e. who should have knowledge of nursing and experience as well. Further the minimum amount which an attendant would demand is Rs.10,000/-. Since two attendants are required for 100% disability, it would be appropriate to take the minimum amount of Rs.10,000/- each of two attendants i.e. amounting to Rs.20,000/- for two attendants.*

38. *In the instant case, there is substantial medical evidence establishing that the injured appellant-claimant has suffered from a 100% disability of the lower limb, as per Ex. P-4. Over the past 20 years since the accident on 31.05.2005, the injured has faced*

significant challenges in leading a normal life. Furthermore, medical testimony confirms that the injured person is unable to carry out daily activities independently.

39. *Applying the principles laid down in **Kajal's case (supra)** it is evident that the appellant-claimant requires continuous assistance from two attendants for 24 hours a day. In **Kajal's case (supra)**, the Hon'ble Supreme Court emphasized that the multiplier system must be followed to determine attendant charges, taking into account factors such as longevity, inflation, interest rates, and the uncertainties of life. The Court also highlighted that an individual with severe disabilities requires dedicated attendants, even if they are not medically trained, to ensure proper care and prevent further complications such as bedsores.*

22. In view of the above judgment and considering age and disability suffered by the appellant/claimant, the appellant is entitled to attendant charges to the tune of **Rs.30,000/-**.

23. A further perusal of the award shows that the learned tribunal erred in not awarding any amount of compensation under the head of 'loss of marriage prospects', despite the claimant being only 23 years old at the time of the accident and having his entire life before him. The learned Tribunal failed to consider the impact of injury on his ability to marry, find a life partner, and enjoy normal matrimonial prospects. Hon'ble the Supreme Court, in its decision in **Rahul Ganpat Rao Sable versus National Insurance Company, 2023 (3) RCR (Civil) 574** squarely addresses this omission and recognizes that such non-pecuniary loss arising from permanent disability including loss of marriage prospects deserves just compensation.

24. The relevant portion of the judgment is reproduced as under:-

“Loss of Marriage prospects:

20. No compensation has been awarded under the above head. Considering the nature of injuries duly approved and certified, the appellant would be entitled to compensation under loss of marriage prospects. Again, relying upon the judgment of this Court in the case of Chaus Tausif Almiya (supra), we award afixed compensation of Rs.3 lakhs under the said head. In view of the above, this Court in the interest of justice is awarding 50000 under the conventional head of ‘loss of marriage prospects.’”

25. Therefore, in accordance with the above referred to judgment and considering the peculiar facts and circumstances of this case, this Court deems it fit to award Rs.2,00,000/- under the head of loss of marriage prospects.

26. A further perusal of the award reveals that meager amount is granted by the learned Tribunal under the heads of transportation and special diet. Furthermore, no amount was granted for loss of amenities of life. Therefore, the award requires indulgence of this Court.

RELIEF

27. In view of the above, the present appeal is allowed and award dated 30.04.2024 is modified. Accordingly, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the appellant-claimant is held entitled to the enhanced amount of compensation as calculated below:-

Sr. No.	Heads	Compensation Awarded
1	Income	Rs.20,000/-
2	Loss of future prospects (40%)	Rs.8,000/- (40% of Rs.20000/-)
3	Annual Income	Rs.3,60,000/-

		(Rs.28000/- X 12)
4	Loss of future earning on account of 15% disability	Rs.50,400/- (Rs.3,36,000/-/- X 15%)
5	Multiplier of 18	Rs.9,07,200/- (Rs.50,400/-X 18)
6	Medical Expenses	Rs.10,000/-
7	Pain and suffering	Rs.3,00,000/-
8	Attendant Charges	Rs.30,000/-
9	Transportation Charges	Rs.50,000/-
10	Loss of amenities of life + Loss of marriage prospects	Rs.2,50,000/-
11	Future medical expenses	Rs.70,000/-
12	Special Diet	Rs.50,000/-
13	Total compensation awarded:-	Rs.16,67,200/-
14	Deduction:- Amount awarded by Tribunal	Rs.5,51,000/-
15	Enhanced amount of compensation	Rs. 11,16,200 /- (16,67,200- 5,51,000)

28. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176** and **R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107**, the amount so calculated shall carry an interest @ 9% per annum from the date of filing of the claim petition, till the date of realization.

29. Respondent No.1-Insurance Company is directed to deposit the enhanced amount along with interest **(excluding the period of delay of 388 days in filing the appeal)** with the Tribunal within a period of two months from the date of receipt of copy of this judgment, at first instance. Needless to say the respondent No.1-insurance company is granted recovery right to recovery enhanced amount of compensation from respondent No.2 and 3 i.e. owner and driver of the offending vehicle as per award dated 30.04.2024. The Tribunal is

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directed to disburse the enhanced amount of compensation along with interest to the appellant-claimant.

30. Further Insurance Company is directed to disburse the current scheduled fees to Mr. Raj Kumar, Advocate, within a period of twenty days from the date of receipt of copy of this judgment, pursuant to order dated 18.07.2024 passed by this Court in FAO No.1682 of 2007.

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

(SUDEEPTI SHARMA)
JUDGE

23.12.2025

Ayub

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No