



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17880-2023 (O&M)
Date of decision: 16.03.2026

Anshu
...Petitioner
Versus
State of Haryana and others
...Respondents

1.	The date when the judgment is reserved	24.02.2026
2.	The date when the judgment is pronounced	16.03.2026
3.	The date when the judgment is uploaded on the website	16.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Anil Kumar Bhardwaj, Advocate for the petitioner.
Mr. Aman Mittal, DAG, Haryana.
Mr. Deepak Balyan, Advocate with
Mr. Vicky Chauhan, Advocate for respondent Nos.2 to 5.

VIKAS SURI, J.

1. The present petition under Article 226 of the Constitution of India has been filed by the petitioner - Anshu, who is stated to have suffered permanent disability, at the tender age of about 6 years, as a result of coming in contact with a 11 kV Nawadi DS line, operated and

**CWP-17880-2023**

maintained by respondent No.3-distribution licensee, namely Dakshin Haryana Bijli Vitran Nigam Ltd. (hereinafter referred to as 'Nigam').

1.1 Through the instant petition, the petitioner, *inter alia*, seeks award of compensation to the tune of ₹2 Crore, besides challenging the instructions/policy dated 15.07.2019 (Annexure P-8) to the extent it prescribes uniform norms for providing compensation to all categories of victims of accidents caused by electrocution, including children, and to the extent it applies the provisions of the Employees' Compensation Act, 1923 (for short, 'Act of 1923') to children of age less than 16 years; and has also impugned the order dated 13.02.2023 (Annexure P-10) whereby compensation of ₹18,92,311/- was sanctioned under the supra instructions, to the extent that it does not include compensation under the heads like future prospects, inflation, past and future medical expenses, mental harassment, physical pain, loss of marriage prospects, expenses for exclusive caretaker, etc.

2. Succinctly, a High Tension (HT)/ High Voltage (HV) (11000 volts) electric line (wire) passes in front of the house of the petitioner. Such HT/HV lines are used to distribute power from sub-stations to local, pole-mounted transformers, which step the voltage down for consumption by homes and businesses. The father of the petitioner had requested the authorities a number of times to shift the High Tension (HT) 11 kV line away from his house, however, no heed was paid to the said requests. Even the coverings of the said wires, owing to weathering, were damaged over a period of time and the request to the department to replace the same did not bear any fruit.

**CWP-17880-2023**

2.1 On 25.01.2022 at around 3:00 p.m., the petitioner was playing on the terrace of the house. She heard a sound, which lured her towards the balcony; and the petitioner ran towards the sound's source, i.e. towards edge of the balcony. The aforesaid 11 kV HT line ran in front of the house of the petitioner, almost touching the grill of the house. Most unfortunately, the petitioner came in dangerous proximity to the said high tension wire running precariously close to the balcony and suffered severe burn injuries. Thereafter, the petitioner was immediately taken to Soni Devi Hospital, Neemrana, Rajasthan, from where, after being provided initial treatment, she was referred to PGIMER, Chandigarh on 26/27.01.2022 and was admitted in the emergency ward on 27.01.2022 at around 5.00 PM. The nature of injuries received by the petitioner were such that during her treatment at PGIMER, her right arm was disarticulated/amputated from her right shoulder and there was contracture of her left hand's ring and little fingers. Resultantly, on account of amputation, the petitioner suffered 92% permanent disability, being a case of locomotor disability. The disability certificate dated 20.08.2022 issued by the Medical Authority, Mahendragarh, Haryana has been placed on record as Annexure P-4.

2.2 The father of the petitioner ran from pillar to post before various authorities and also filed criminal complaints against the respondent authorities, which did not yield any immediate result or relief in the form of interim financial assistance. After persistently following up the matter, FIR No.0067 dated 01.03.2022 was registered under Section 338 IPC at Police Station Ateli, District Mahendragarh.

**CWP-17880-2023**

2.3 The petitioner also approached this Court through her natural guardian, by way of writ petition, bearing CWP No. 22063 of 2022, praying for compensation of a sum of Rs.2 crores to the petitioner. Upon notice of the said petition, learned counsel appearing on behalf of the respondents contended that the incident occurred on 25.01.2022 and the policy dated 15.07.2019 notified by DHBVNL relating to compensation to the victims of fatal/non-fatal accidents was in force at the relevant time and hence, in the event of the petitioner submitting her claim before the competent authority as per the said policy, the same shall be considered and an expeditious decision in terms of the policy *ibid* shall be taken thereon. The said contention/offer was accepted on behalf of the petitioner without prejudice to her rights. Accordingly, with the consent of the parties and without prejudice to their respective rights or commenting upon the merits of the case, liberty was granted to the petitioner vide order dated 23.09.2022, to approach the respondent authorities for seeking disbursement of compensation in terms of the applicable policy. It was further stipulated that in the event of filing of such claim/representation by the petitioner, the same shall be decided expeditiously, preferably within a period of 4 months from the date of filing of such claim/representation, after affording an opportunity of hearing to the parties concerned.

2.4 In deference to the order dated 23.09.2022 (Annexure P-7) passed by this Court in CWP-22063-2022, the petitioner moved a representation dated 19.12.2022 (Annexure P-9), and the respondent authorities, vide order dated 13.02.2023, awarded compensation of

**CWP-17880-2023**

Rs.18,92,311/- in favour of the petitioner, in terms of the policy dated 15.07.2019. The petitioner received the aforesaid amount under protest and the said amount entirely stands deposited in five separate fixed deposit accounts (FDRs).

3. The petitioner still feeling aggrieved by the inadequacy of compensation awarded by respondent No.3-Nigam, has approached this Court by way of the present writ petition.

4. Learned counsel for the petitioner argued that the amount of compensation payable under the policy dated 15.07.2019 is inadequate and is only a fraction of the liability that ought to be fastened upon the tortfeasor, i.e. the Nigam in this case. The awarded amount is far from being just and fair compensation for the damage suffered by the petitioner on account of negligence and malfeasance of the respondent Nigam. It was further submitted that the respondent Nigam cannot take refuge under the instructions dated 15.07.2019, to avoid or curtail its liability under public law.

4.1 Learned counsel for the petitioner further argued that the policy dated 15.07.2019 itself has numerous shortcomings, which need to be remedied and the policy, as such, requires modification with the intervention of Court. It was also contended that the said policy has been made uniformly applicable to all categories of victims and the compensation for everyone is to be calculated as per the provisions of the Act of 1923, including employees of the department or private persons, working or non-working individuals, children and adults alike. There is no intelligible criteria in providing for a common method of calculating the

**CWP-17880-2023**

amount of compensation for adults and children under 16 years of age alike. There is no provision for special grant of medical expenses or for trauma, mental agony and physical pain suffered by a child. The amount to be calculated also does not take into reckoning the loss of marriage prospects or adequate compensation for hiring a dedicated caregiver, keeping in view the nature of injuries suffered. The method of calculating the compensation under the Act of 1923 has been made applicable on children as well, treating their income to be the minimum prescribed by the Government while ignoring the fact that future income can never be anticipated at such tender age. Moreover, nothing has been awarded to account for future prospects/inflation rate.

4.2 Reliance has been placed on *M.C. Mehta and another vs. Union of India and others*, (1987) 1 SCC 395 and *M.P. Electricity Board vs. Shail Kumari and others*, (2002) 2 SCC 162. With regard to quantification of the compensation payable, reliance has been placed upon a judgment rendered by the Division Bench of Himachal Pradesh High Court in CWP-475-2013 decided on 09.01.2015 titled as *Naval Kumar @ Rohit Kumar vs. State of H.P. and others*, as approved and modified by the Hon'ble Supreme Court in *State of Himachal Pradesh and others vs. Naval Kumar @ Rohit Kumar*, (2017) 3 SCC 115.

5. Per contra, learned counsel for the respondent Nigam argued that to adequately deal with cases like that of the petitioner, the Nigam has already taken a conscious policy decision, which stands reflected in the instructions dated 15.07.2019. The petitioner has already been granted full and final compensation under the said instructions and hence, the present

**CWP-17880-2023**

petition is liable to be dismissed on that ground alone. No further amount is payable to the petitioner, after her having accepted the amount payable under the policy. It is further submitted that the father of the petitioner had extended the balcony of his house, and thus the respondent Nigam was not at any fault for the unfortunate incident, resulting in permanent disability of the petitioner.

6. We have heard learned counsel for the parties and meticulously gone through the paper-book with their able assistance.

7. The issues that arise for consideration in the present case are:

- i. Whether the petitioner can maintain a claim for compensation on account of the injury and damage suffered, after having been awarded compensation under the instructions dated 15.07.2019. If answered in the affirmative, what would be a fair and just amount;
- ii. Whether the instructions dated 15.07.2019 are inadequate inasmuch as it does not include compensation under the heads like future prospects, inflation, medical expenses (past and future), physical pain and suffering, mental harassment, decreased prospects of marriage, expenses for caretaker and special diet, etc;
- iii. Whether the instructions dated 15.07.2019 are arbitrary and liable to be read down inasmuch as it prescribes uniform norms of providing compensation to all categories of victims alike, including minors, and to the extent it adopts the provisions of the Employees' Compensation Act, 1923, to determine compensation for children with age less than 16 years; and
- iv. Whether the order dated 13.02.2023 (Annexure P-10) awarding compensation under the supra instructions is liable to be modified and the compensation enhanced,

**CWP-17880-2023**

keeping in view the settled principles of computing compensation in death/injury cases.

8. It would be apposite to note the salient features of the compensation policy contained in the instructions dated 15.07.2019 (Annexure P-8), which are extracted hereunder for ready reference:

1. Dakshin Haryana Bijli Vitran Nigam (hereinafter called DHBVN) is engaged in activities which are hazardous and risky to human life. Presently, DHBVN pays compensation to its employees under Employees Compensation Act 1923. Similarly, private persons are also awarded compensation as per formula applicable to its regular employees in case the Nigam owns its negligence.
2. It has been noticed that there are certain discrepancies as well as inadequacy in the compensation presently being paid for the fatal as well as non-fatal accidents of human beings due to electrocution. Under such circumstances, the Nigam should compensate for the damage caused to human life due to electrocution, irrespective of any carelessness or fault on its part or on the part of employees of the Nigam.
3. Accordingly, the revised norms are hereby prescribed for the payment of compensation for fatal as well as non-fatal accident of human beings due to electrocution or working on electrical system of the DHBVN or while on duty for the DHBVN.
4. The compensation allowed under these instructions is over and above the benefits otherwise admissible to the concerned categories as per the terms of employment/ contract/ applicable law.
5. The compensation allowed by the DHBVN as above is purely on humanitarian ground and shall not create any obligation whatsoever enforceable in any court of law.



CWP-17880-2023

6. Type of Accidents:

Depending upon the severity of the accident and its impact on human beings, the accidents due to electrocution are classified as under:-

- I. **Fatal accident:-** Resulting into the death of human beings.
- II. **Non-Fatal Accidents:-** Resulting into disability to human beings. Depending upon the disability, these non-fatal accidents are further classified as under:-
 - (a) Accidents resulting in permanent disability.
 - (b) Accidents resulting in partial disability.
 - (c) Accident resulting in temporary disability.

7. Category of the affected person:-

The affected victims covered under the policy are categorized as under:-

- I. Regular employees of the Nigam.
- II. Contractual workers (Direct - Part Time and Full Time).
- III. Contractual workers (Part Time and Full Time through contractors).
- IV. Private Persons.
 - (a) Adults.
 - (b) Children.
- V. Workmen engaged by contractor on Nigam's works.

The compensation payable to above mentioned categories is detailed out as under:-

8. Nigam Regular Employees.**(I) Fatal Accident**

(a) to (c) xx xx xx xxx

(II) Non Fatal Accident

The following compensation shall be payable to the victim:-

(A) Permanent Disablement

(a) to (d) xx xx xxxxx



CWP-17880-2023

(B) **Partial Disablement**

(a) to (b) xx xx xxxxxx

(C) **Temporarily Disablement**

(a) to (b) xx xx xxxxxx

9. x x x x

10. x x x x

11. **Private Person for Fatal Accident & Non-Fatal Accidents**

DHBVN is engaged in the hazardous activity and risky for the human life and thus DHBVN owns strict liability for compensation to the private person. Accordingly, the compensation to the private person shall be payable in case of fatal as well as non-fatal accident irrespective of the reasons for such accident as the electricity system is open to the public. The compensation amount shall be payable as per provision of the Employees Compensation Act, 1923. However, this compensation shall be applicable for the accident cases occurring with the electrical network of the DHBVN and not in private premises.

12. **Private Person having age less than of 16 years for Fatal Accident & Non-Fatal Accidents**

The compensation for fatal as well as non-fatal accident to a private person having age less than 16 years, shall be payable as per the provisions of the Employees Compensation Act, 1923. Since, the age factor for person having age less than 16 years is not available in the Employees Compensation Act 1923, accordingly, the age factor for the 16 years (being the highest age factor) shall be considered for working out the amount of compensation. However, this compensation shall be applicable for the accident cases occurring with the electrical network of the DHBVN and not in private premises.



CWP-17880-2023

12A. Workmen engaged by contractor on Nigam works (Part Time & Full time).

- I.** In case of Fatal or Non Fatal Accident of workmen engaged by contractor on Nigam works, compensation amount shall be payable as per provision of the Employees Compensation Act, 1923. However, this compensation shall be applicable for the accident cases occurring on the DHBVN network and not on the private premises.
- II.** In case contractor is not coming forward to deposit compensation within a period of one month from the date of occurrence of accident, then Nigam being Principal Employer shall deposit the amount with Labour Commissioner in terms of Employees Compensation Act, 1923 under intimation to the legal heirs of the deceased to collect the same. After deposit of the compensation amount, it shall be recovered from any amount payable to the contractor and if no amount is outstanding against the contractor, then the amount shall be recovered by way of filing civil suit against the contractor.
- III.** In case of fatal/ non-fatal accident, the contractor shall inform the Nigam within 48 hours, the details of the said accident along-with the particulars of the workmen injured/ expired i.e. his/ her contact number, address, name and detail of nominee etc. on the proforma to be prescribed by the Nigam. On receipt of this information, the concerned officer of the Nigam i.e. Engineer Incharge/ DDO shall be responsible for taking necessary action as per the above terms. The Engineer Incharge shall also inform the details of the accident and action taken by him to the concerned Chief Engineer and Director/Operations, DHBVN, Hisar.



CWP-17880-2023

13. The authority for sanction of the compensation under the above policy shall be as under:-

Sr. No.	Category of persons	Type of Accidents	Description	Investigating Officer	Sanctioning Authority
1 to 16	x x x x	x x x x	x x x x	x x x x	x x x x
17.	Private persons (Not more than the age of 16 years)	Fatal Accidents	Compensation	Respective SE (OP) through CEI	Respective CE (OP)
18	-do-	-do-	Other financial assistance	Respective SE (OP) through CEI	Respective CE (OP)
19.	-do-	Non-Fatal Accidents	Compensation	Respective XEN (OP) through CEI	Respective CE (OP)
20 to 22	x x x x	x x x x	x x x x	x x x x	x x x x

9. A profound reading of the aforesaid compensation policy reveals that earlier, compensation was awarded to private persons also, as per the formula applicable to its regular employees, in case the Nigam owned its negligence. Noticing certain discrepancies and inadequacy in the compensation being earlier paid for fatal as well as non fatal accidents of human beings due to electrocution, the Nigam has taken a conscious decision to compensate for the damage caused to human life due to electrocution, irrespective of any carelessness or fault on its part or on the part of the employees of the Nigam. In other words, compensation under the instructions dated 15.07.2019 is to be paid under the principle of no fault liability.

9.1 Clause 3 of the instructions *ibid* stipulates payment of compensation for fatal as well as non fatal accidents of human beings, due to electrocution from the electrical system of the distribution licensee.

**CWP-17880-2023**

9.2 Concededly, the petitioner suffered severe injuries on coming in close proximity/contact with the 11 kV HT line passing in front of her house. On an independent inquiry conducted by the Chief Electricity Inspector (CEI), in terms of Section 161 of the Electricity Act, 2003 (hereinafter referred to as ‘the Act of 2003’), the report regarding the cause of accident and responsibility for the same in the instant case, held the Nigam to be also responsible for the incident. It is notable that the said finding has been arrived at after noticing the factual position that a 11 kV Nawadi DS line is passing near the house of the victim but allegedly the petitioner’s father, namely Raj Kumar, has illegally extended the balcony of his house towards the HT line. However, no material has been placed on record to substantiate the aforesaid allegation. Nonetheless, in view of the findings and the conclusion recorded in the inquiry report by the Chief Electricity Inspector, responsibility has been categorically fixed on the respondent Nigam.

9.3 Clause 4 of the supra instructions, which is extracted hereinafter at the cost of repetition, leaves no room for any doubt that the compensation awarded under the instructions *ibid*, is over and above the benefits otherwise admissible to the concerned categories of victims as per the contractual obligation/applicable law. A perusal of the said unambiguous provision makes it candid that any compensation awarded under the instructions *ibid* would not create any fetters upon a common/public law remedy available under the applicable law.

“4. The compensation allowed under these instructions is over and above the benefits otherwise

**CWP-17880-2023**

admissible to the concerned categories as per the terms of employment/ contract/ applicable law.”

10. Learned counsel for the respondent Nigam is also not in a position to controvert the fact that the claim for award of further compensation by the petitioner stands covered under clause 4 read with clause 12 of the instructions dated 15.07.2019, notified by the respondent Nigam.

11. There can be no dispute that human life and well-being has no price in monetary terms. If a person dies or suffers injuries by electrocution due to the misfeasance and carelessness of the distribution licensee, a case for payment of compensation would arise. Section 68 of the Act of 2003, and the relevant provisions of the Indian Electricity Rules, statutorily cast a duty on the distribution licensee, respondent Nigam in the present case, to keep the humans living in and around habitation, safe from any harm by the supply of potentially dangerous energy, especially through high voltage transmission lines. The Nigam was duty bound to follow the safety measures required to be observed for supply/transmission of electricity. Electricity is a dangerous commodity and it is statutory duty of the distribution licensee, i.e. the Nigam in the present case, to put in place all protective measures and to abide by the statutory provisions in that regard. In the present case, had the Nigam taken precautions and installed the necessary safety devices, the accident could have been avoided. The Nigam having failed to protect the life and property of the public at large in general and of the petitioner in particular, the present case falls within the ambit of strict liability.

**CWP-17880-2023**

12. The factual position is not in dispute in the present case. The respondent Nigam is the sole distribution licensee of the area where the accident has taken place and it was maintaining and operating the HT line to transmit High Voltage electricity, which is passing in front of the petitioner's house and the accident has occurred on account of the said line. In view of the same, it is a fit case where the principle of *res ipsa loquitur* would apply with full strength.

12.1 Further, with regard to the liability to pay compensation by the tortfeasor, in the case of a gravely injured child, the concept of contributory negligence cannot be made applicable. There can be no denying that a child functions according to his own reasoning and intelligence. As noticed hereinabove, there is no material brought on record to show that the petitioner was at any fault. Even with regard to the allegation qua the father of the petitioner having extended the balcony, in the absence of any material available on record and the factum that the respondent Nigam has accepted its negligence and liability, the petitioner cannot be held liable for contributory negligence. Even otherwise, the manner in which the accident had occurred, it was for the Nigam to establish contrary to the inquiry report that there was no negligence on its part. Since the HT line carrying high voltage electricity was passing at a very close distance from the petitioner's house, no contributing negligence can be attributed to a girl aged about 6 years. A Division Bench of the Madhya Pradesh High Court in ***M.P. State Road Transport Corporation and others vs. Abdul Rahaman and others***, reported in AIR 1997 MP 248, held as under:



CWP-17880-2023

“11. From the aforesaid discussion relating to contributory negligence on the part of a child of tender age there is no doubt that the concept of contributory negligence cannot be made applicable to a child. A child functions according to his own reasoning and his intelligence. Logicality and rationality are not expected from a child as a child of tender age has no continuous thinking process and is governed by his impulse, instinct and innocence. Can one ever conceive that a child, if would have been aware of the peril, would ever commit an act which is dangerous or hazardous for him? The answer has to be a categorical 'No', because a child's action is childlike and really innocent. Possibly for that reason, it has been said :--

"The Maker of the Stars and Sea, become a Child earth for me?"

A child remains a child in spite of all training and directions and if anything sparkles it is the glory of his innocence which makes him indifferent to the risks which an adult apprehends and pays attention.

In view of our aforesaid analysis, we conclude and hold that Riyaz, the child of four, was not liable for contributory negligence.”

13. In the case at hand, the factum of liability is not in dispute. The respondent Nigam has already got conducted an independent inquiry, through its Chief Electricity Inspector, with regard to the cause of the accident and responsibility, and has arrived at the conclusion that the respondent Nigam is also responsible. Thereafter, accepting the said finding of fact, the Nigam of its own volition has paid some compensation to the petitioner as per the liberalized compensation policy reflected in the instructions dated 15.07.2019. The respondent Nigam has not denied the corresponding pleadings in the writ petition or raised any challenge to the

**CWP-17880-2023**

findings recorded in the inquiry report or the subsequent action taken by placing reliance upon the said conclusions.

14. In the light of the above, and having given our thoughtful consideration to the admitted factual aspects of the case and the provisions of the instructions dated 15.07.2019, we are of the considered opinion that the action of the petitioner in availing her remedy to claim damages from the tortfeasor, would not be barred on account of having been awarded compensation under the instructions *ibid*, vide order dated 13.02.2023 (Annexure P-10).

15. Thus, the next aspect that would arise for consideration is with regard to quantification of the compensation that the petitioner is entitled to, in the conceded facts and circumstances of the case, whereby the petitioner has suffered 92% permanent disability, as per disability certificate (Annexure P-4).

16. It is settled principle of law that a person injured by the negligent act of others is entitled to general damages for non-pecuniary loss such as pain, suffering and loss of amenities, in addition to those for pecuniary loss, both past and future. The Hon'ble Supreme Court in the decision in Civil Appeal No. 1799-1800 of 1989 decided on 06.01.1995, titled as ***R.D. Hattangadi vs. Pest Control (India) Pvt. Ltd. and others***, reported in (1995) 1 SCC 551, has laid down the following principles to determine compensation for disability:

“9. Broadly speaking while fixing an amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which



CWP-17880-2023

are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant: (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far non-pecuniary damages are concerned, they may include (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for the loss of expectation of life, i.e., on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life.”

17. Their Lordships of the Hon’ble Supreme Court in ***Rekha Jain vs. National Insurance Company Ltd. and others***, reported in (2013) 8 SCC 389, have reiterated the following principles for granting compensation for personal injury:

“40. It is well-settled principle that in granting compensation for personal injury, the injured has to be compensated (1) for pain and suffering; (2) for loss of amenities; (3) shortened expectation of life, if any; (4) loss of earnings or loss of earning capacity or in some cases for both; and (5) medical treatment and other special damages. In personal injury cases the two main elements are the personal loss and pecuniary loss. Cockburn, C.J. in *Fair case* [*Fair v. London and North Western Railway Co.*, (1869) 21 LT (NS) 326 (QB)] , distinguished the above two aspects thus:



“In assessing the compensation the jury should take into account two things, first, the pecuniary loss the plaintiff sustains by the accident; secondly, the injury he sustains in his person, or his physical capacity of enjoying life. When they come to the consideration of the pecuniary loss they have to take into account not only his present loss, but his incapacity to earn a future improved income.”

41. *McGregor on Damages* (14th Edn.) at Para 1157, referring to the heads of damages in personal injury actions, states as under:

“The person physically injured may recover both for his pecuniary losses and his non-pecuniary losses. Of these the pecuniary losses themselves comprise two separate items viz. the loss of earnings and other gains which the plaintiff would have made had he not been injured and the medical and other expenses to which he is put as a result of the injury, and the courts have subdivided the non-pecuniary losses into three categories viz. pain and suffering, loss of amenities of life and loss of expectation of life.

Besides, the Court is well advised to remember that the measures of damages in all these cases ‘should be such as to enable even a tortfeasor to say that he had amply atoned for his misadventure.’ *The observation of Lord Devlin that the proper approach to the problem or to adopt a test as to what contemporary society would deem to be a fair sum, such as would allow the wrongdoer to ‘hold up his head among his neighbours and say with their approval that he has done the fair thing’, is quite apposite to be kept in mind by the Court in assessing compensation in personal injury cases.*”

(emphasis supplied)

42. In *R. Venkatesh v. P. Saravanan* [(2001) 1 Kant LJ 411] the High Court of Karnataka while dealing with a personal injury case wherein the claimant sustained certain crushing injuries due to which his left lower limb was amputated, held that in terms of functional disability, the disability sustained by the claimant is total and 100% though only the claimant's left lower limb was amputated. In para 9 of the judgment, the Court held as under: (Kant LJ p. 415)



CWP-17880-2023

“9. As a result of the amputation, the claimant had been rendered a cripple. He requires the help of crutches even for walking. He has become unfit for any kind of manual work. As he was earlier a loader doing manual work, the amputation of his left leg below the knee, has rendered him unfit for any kind of manual work. He has no education. In such cases, it is well settled that the economic and functional disability will have to be treated as total, even though the physical disability is not 100%.”

3. Lord Reid in *Baker v. Willoughby* [*Baker v. Willoughby*, 1970 AC 467: (1970) 2 WLR 50 : (1969) 3 All ER 1528 (HL)] has said: (AC p.492A)

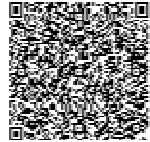
“... A man is not compensated for the physical injury: he is compensated for the loss which he suffers as a result of that injury. His loss is not in having a stiff leg: it is in his inability to lead a full life, his inability to enjoy those amenities which depend on freedom of movement and his inability to earn as much as he used to earn or could have earned...”

44. The aforesaid principles laid down by this Court, appeal cases, House of Lords and leading authors and experts referred to supra, whose opinions have been extracted above, on all fours, are applicable to the fact situation for awarding just and reasonable compensation in favour of the appellant as she had sustained grievous injuries on her face and other parts of the body which is assessed at 30% permanent disablement by competent doctors.”

18. In the present case, the petitioner has been crippled for her entire life. Her right arm has been amputated from the shoulder besides having suffered damage to the fingers of her left hand. For the injuries suffered by her, she would not be able to lead and enjoy those comforts and amenities of life, which depend on freedom of movement.

**CWP-17880-2023**

19. This Court has recently considered computation of compensation for non-pecuniary loss in LPA No.2351 of 2017 decided on 13.02.2026 titled as ***Sandeep Kaur vs. State of Punjab and others***, reported in **Law Finder Doc Id #2853602**. In the said case, compensation was awarded for 100% functional/permanent disability caused due to negligence in maintaining a university building, which had collapsed onto the victim, an undergraduate student of that university. In the said case, following the dicta of the Hon'ble Supreme Court of India in Civil Appeal No.8131-32 of 2014 decided on 25.09.2014 titled as ***Ashvinbhai Jayantilal Modi vs. Ramkaran Ramchandra Sharma and another***, as well as in Civil Appeal No.3125 of 2023 decided on 24.04.2023, titled as ***Kandasami and others vs. Lindabriyal and another***, reported in **2023 ACJ 1653**, and also in Civil Appeal No.9897-98 of 2025 decided on 29.07.2025 titled as ***S. Mohammed Hakkim vs. National Insurance Company Ltd. and others***, reported in **(2025) 10 SCC 263**, the notional monthly income of the claimant was held to be Rs.22,500/- with addition of 40% towards future prospects. No deduction towards personal expenses was made from the amount of compensation, in view of the law laid down in ***Rahul Ganpatrao Sable vs. Laxman Maruti Jadhav (dead) through legal representatives and others***, reported in **(2023) 13 SCC 334**, as it was a petition by a survivor in the accident with injuries resulting in permanent disability and not a case of death, wherein the claim is made by the dependents. Thus, keeping in view the ratio in ***Sandeep Kaur's case*** (supra) and that in the said case, the claimant was 23 years of age and in the present case, the petitioner was six years of age at the time of the



CWP-17880-2023

accident, the notional income of the petitioner can safely be taken to be Rs.20,000/- per month. The relevant portion of the judgment in ***Sandeep Kaur*** (supra), reads thus:

“24. In the light of the aforesaid settled principles of law, for determining notional income of a student who has suffered 100% functional disability, we are of the considered view that the income of the appellant is required to be reckoned as Rs.22,500/- per month. Besides the above, future prospects @ 40% are to be awarded keeping in view the dicta in ***Sidram vs. Divisional Manager, United India Insurance Company Ltd. and another***, reported in (2023) 3 SCC 439 and ***National Insurance Company Ltd. vs. Pranay Sethi***, reported in (2017) 16 SCC 680.

24.1 The general principles relating to compensation in injury cases and assessment of future loss of earnings due to permanent disability, expounded by the Hon’ble Supreme Court in ***Raj Kumar vs. Ajay Kumar and another***, reported in (2011) 1 SCC 343, was applied and followed in ***Sidram’s case*** (supra). It was further held that it is not necessary to adduce any documentary evidence to prove notional income of victim and Court can award same even in absence of any documentary evidence. The principle of awarding notional income was approved, where the same is just in facts and circumstances of the case. The relevant portion of the judgment in ***Sidram*** (supra) reads thus:

“59. Thus, we are of the view, more particularly keeping in mind the dictum of this Court in ***Kirti [Kirti v. Oriental Insurance Co. Ltd.]***, (2021) 2 SCC 166] that it is not necessary to adduce any documentary evidence to prove the notional income of the victim and the Court can award the same even in the absence of any documentary evidence. In ***Kirti [Kirti v. Oriental Insurance Co. Ltd.]***, (2021) 2 SCC 166] it was stated that the Court should ensure while choosing the method and fixing the notional income that the same is just



CWP-17880-2023

in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.”

25. Concededly, the date of birth of the appellant is 10.01.1990 and as such, she was about 23 years of age as on 11.10.2013, i.e. when the unfortunate incident occurred. In view of the ratio in ***Sarla Verma vs. Delhi Transport Corporation Ltd.***, reported in (2009) 6 SCC 121, multiplier of 18 is to be applied. The principles for determination of just compensation contemplated under the Motor Vehicles Act, 1988 were reiterated in Civil Appeal No.735 of 2020 decided on 05.02.2020 titled as ***Kajal vs. Jagdish Chand and others***, reported in (2020) 4 SCC 413. In the said case, it was further held that the multiplier system is to be followed not only for determining the compensation on account of loss of income but also for determining the attendant charges, etc. The relevant portion of the said decision reads thus:

“5. The principles with regard to determination of just compensation contemplated under the Act are well settled. The injuries cause deprivation to the body which entitles the claimant to claim damages. The damages may vary according to the gravity of the injuries sustained by the claimant in an accident. On account of the injuries, the claimant may suffer consequential losses such as:

- (i) loss of earning;
- (ii) expenses on treatment which may include medical expenses, transportation, special diet, attendant charges, etc.,
- (iii) loss or diminution to the pleasures of life by loss of a particular part of the body, and
- (iv) loss of future earning capacity.



CWP-17880-2023

Damages can be pecuniary as well as non-pecuniary, but all have to be assessed in rupees and paise.

6. It is impossible to equate human suffering and personal deprivation with money. However, this is what the Act enjoins upon the courts to do. The court has to make a judicious attempt to award damages, so as to compensate the claimant for the loss suffered by the victim. On the one hand, the compensation should not be assessed very conservatively, but on the other hand, the compensation should also not be assessed in so liberal a fashion so as to make it a bounty to the claimant. The court while assessing the compensation should have regard to the degree of deprivation and the loss caused by such deprivation. Such compensation is what is termed as just compensation. The compensation or damages assessed for personal injuries should be substantial to compensate the injured for the deprivation suffered by the injured throughout his/her life. They should not be just token damages.

... ..

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



CWP-17880-2023

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* [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.”

26. In *State of Himachal Pradesh and others vs. Naval Kumar alias Rohit Kumar*, Civil Appeal No.1339 of 2017 decided on 02.02.2017, reported in (2017) 3 SCC 115, the Apex Court was considering just and reasonable compensation to the victim, a boy of 08 years who came in contact with high tension live wire and suffered injuries. Both arms of the said victim had to be amputated making him 100% disabled permanently. In the said case, compensation was determined at Rs. 90 Lakh along with 6% interest to take care of the victim’s upbringing and other needs for the rest of his life.

27. The decision in Civil Appeal No.14290 of 2024 decided on 11.12.2024, titled as *Baby Sakshi Greola vs. Manjoor Ahmad Simon and another*, reported in 2024(3) PLR 707, followed the ratio in *Kajal’s case* (supra). It was further held therein that the claimant who was aged about 07 years when she suffered grievous injuries on account of the road accident, suffered disability to the extent of 75%, however, on a complete overview of the



situation, like in the present case, for all practical purposes, the disability was treated to be 100%. The compensation of Rs.1 lakh awarded under the head of 'pain and suffering' was enhanced to Rs.15 lakh taking into consideration that the claimant will remain dependent on another person for the rest of her life and will also miss out on taking part in activities which she would have normally done, if she had not met with this unfortunate accident.

28. Keeping in view the principle of law laid down in ***Kajal's case*** and ***Baby Sakshi Greola's case*** (supra), it would be just and fair to award attendant charges, for two attendants and apply the multiplier system thereto, as well. The appellant would also be entitled for future medical expenses of Rs.5 lakh, being taken on the conservative side, keeping in view the nature of injuries and the permanent disability suffered. It is also to be borne in mind that with advancement in medical science, newer treatments and therapies shall become available in future, which of course would come at a premium and any patient suffering, like the appellant, would aspire to take the same. At least, the financial security to be able to afford such treatment in future, is likely to serve as some solace to the appellant.

29. Considering the amount ought to be awarded under the head 'pain and suffering', it would be gainful to refer to the law laid down in Civil Appeal No.12993 of 2024 decided on 22.11.2024, titled as ***K.S. Muralidhar vs. R. Subbulakshmi and another***, reported in **2024 SCC Online SC 3385**. Their Lordships of the Apex Court on acknowledging that 'pain and suffering' as a concept escapes definition, referred to certain authorities, scholarly as also judicial, wherein attempts have been made to set down the contours thereof. Some decisions in respect of pain and suffering in cases where disability suffered is at 100% were also noticed. After profound



CWP-17880-2023

deliberation, an amount of Rs.15 lakh was awarded under the head 'pain and suffering', with the following observation:

“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.”

30. We cannot lose sight of the fact that the appellant is a young woman who would naturally have dreams of settling in matrimony and having children of her own, which dreams stand adversely impacted by the unfortunate incident. It is well recognized that marriage/companionship is an integral part of the natural life of a human being. Keeping in view the nature of the injuries suffered by the appellant and her 100% functional disability, it is near impossible for her to rear children and enjoy the simple pleasures of marital life. Keeping in view the impact of the non-pecuniary loss suffered by the appellant, we are of the considered view that the appellant is to be also granted compensation of Rs.5 lakh under the head of ‘loss of marriage prospects’, following the ratio in ***Baby Sakshi Greola’s case*** (supra).

31. The appellant, having been confined and restricted in her movement on account of the permanent disability suffered by her, would be required to spend extra money

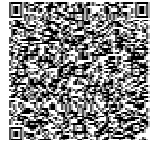
**CWP-17880-2023**

for transportation. Not only that, the appellant would also require special diet, keeping in view the nature of her injuries, which has limited her movement to negligible. Accordingly, an amount of Rs.1 lakh deserves to be awarded under the said head as well.”

20. In the present case, the disability certificate (Annexure P-4) of the petitioner categorically records the disability as under:

- “A. She is a case of Locomotor Disability
- B. The diagnosis in her case is on account of right shoulder disarticulation with contracture of left ring and littler finger.
- C. She has 92% (in figure) Ninety Two percent (in words) Permanent Disability in relation to her right hand as per the guidelines (Guidelines for the purpose of assessing the extent of specified disability in a person included under RPwD Act, 2016 notified by Government of India vide S.O. 76(E) dated 04.01.2018).”

21. A perusal of the aforesaid disability recorded in the certificate (Annexure P-4) shows that the same has been assessed as 92% in relation to the right arm. The petitioner is a girl child of tender age, who has a whole life ahead of her and would have to learn to adjust to and overcome her disability. The photographs of the petitioner depicting the injuries suffered by her have been placed on record as Annexure P-3. A glance at the said photographs would show that apart from the damage to the two fingers of the left hand, recorded in the disability certificate, there is contracture of the index finger as well. No percentage of disability has been specified on account of the aforesaid permanent disability of the left hand. However, keeping in view that the disability certificate dated 20.08.2022 (Annexure P-4) is an undisputed document, which has not

**CWP-17880-2023**

been assailed by either side, it can safely be assessed that the petitioner suffers 70% functional disability with regard to the whole body.

22. It is also to be noticed that the principle for computing damages/compensation draws strength from the principle of *restitutio in integrum*. As a remedial measure, the petitioner is entitled to be put in the same position in which she would have been if she had not suffered the wrong. In the present case, the petitioner, a girl child now aged about ten years, has a right to lead a healthy, happy and dignified life under Article 21 of the Constitution of India. Owing to the loss suffered on coming in contact with the high tension wire, when she was playing in her own home, she has to now live with the trauma and shall remain physically challenged throughout the life. The petitioner had just started her life and was at the threshold of being introduced into the formal education system. During her growing-up years, she would eventually compare herself with other children of her age and not being physically in a position to carry on with all the activities that an able-bodied child does, she has to go through inconvenience, discomfort, frustration and mental stress for the rest of her life. She would require a full-time attendant to guide and help her through with the simple tasks, which require two arms/hands to complete. For the said reason, the petitioner is also entitled to employ an attendant to assist her to execute those simple tasks and empower her to overcome her physical incapacity and learn to be self-sufficient and self-reliant. Even if the family members are providing for the said tasks, the petitioner is entitled to award of damages for a whole-time attendant, for every day. Keeping in view the principle laid down in



CWP-17880-2023

Kajal vs. Jagdish Chand and others, reported in (2020) 4 SCC 413 and *Baby Sakshi Greola vs. Manjoor Ahmad Simon and another*, reported in 2024(3) PLR 707, it would be just and fair to award attendant charges and apply the multiplier system thereto, as well.

23. The Hon'ble Supreme Court of India in Civil Appeal No.11466 of 2014 decided on 17.12.2014 titled as *Raman vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others*, reported in (2014) 15 SCC 1, had approved a deviation from following the multiplier method in order to award higher compensation, being just and reasonable in the said case, having regard to the statutory negligence on the part of the respondents in not providing the safety measures regarding live electricity wires.

24. Insofar as the disability in the present case is concerned, the petitioner's right arm having been amputated from the shoulder, she would require an advance prosthetic arm, which would enable her to attend to her daily activity and carry on with life. It is also to be taken note that the petitioner would require servicing and replacement of the accessories of the prosthetic limb periodically. In the absence of evidence regarding the quantum of expenditure in that regard, this Court is inclined to conservatively accept the amount awarded by the Hon'ble Supreme Court of India in Civil Appeal No.12098-12099 of 2024 decided on 04.09.2025 titled as *Anoop Maheshwari vs. Oriental Insurance Company Ltd. and others*, reported in AIR 2025 SC 4099. In the said case, in the absence of any evidence regarding the frequency of change or the servicing of the prosthetic limb or the quantum of expenditure, their Lordships of the Apex Court were of the opinion that an amount of Rs.10



CWP-17880-2023

lakh would suffice to account for the future expenses of continued use of the prosthetic limb and medical expenses arising in that regard. The said amount is also required to be awarded to the petitioner in the present case.

25. On a conspectus of the aforesaid discussion, in our considered opinion, the fair, just and proper compensation to be awarded to the petitioner is tabulated hereunder:

Sr. No.	Heads	Compensation	Judgments relied upon
1.	Notional Income	Monthly-Rs.20,000/- Annually- Rs.20,000 x 12 = Rs.2,40,000/-	<i>S. Mohammed Hakkim vs. National Insurance Company Ltd. and others</i> (2025) 10 SCC 263 <i>Kandasami and others vs. Lindabriyal and another</i> 2023 ACJ 1653 <i>Rahul Ganpatrao Sable vs. Laxman Maruti Jadhav</i> (2023) 13 SCC 334
2.	Future Prospects @ 40%	Rs.2,40,000 + 96,000 = Rs.3,36,000/-	<i>Sidram vs. United India Insurance Company Ltd.</i> (2023) 3 SCC 439
3.	Income after applying multiplier of 18 (age 6 years)	Rs.3,36,000 x 18 = Rs.60,48,000/-	<i>Sarla Verma vs. DTC</i> (2009) 6 SCC 121
4.	Functional loss with regard to whole body (70%)	Rs.60,48,000/- x 70% = Rs. 42,33,600/-	
5.	Attendant charges for 01 whole time attendant	Rs.10,000 x 12 x 18 = Rs.21,60,000/-	<i>Kajal vs. Jagdish Chand</i> (2020) 4 SCC 413 <i>Baby Sakshi Greola vs. Manjoor Ahmad Simon and another</i> 2024 3 PLR 707
6.	Future medical expenses	Rs.5,00,000/-	<i>Kajal vs. Jagdish Chand</i> (supra) <i>Baby Sakshi Greola vs. Manjoor Ahmad Simon and another</i> (supra)
7.	Pain and suffering	Rs.15,00,000/-	<i>K.S. Muralidhar vs. R. Subbulakshmi and another</i> 2024 SCC Online SC 3385
8.	Loss of amenities of	Rs.5,00,000/-	<i>Baby Sakshi Greola vs.</i>



CWP-17880-2023

Sr. No.	Heads	Compensation	Judgments relied upon
	life and marriage		<i>Manjoor Ahmad Simon and another (supra)</i>
9.	Transportation and special diet	Rs.1,00,000/-	
10.	Advance prosthetic limb, servicing & replacement of its parts	Rs.10,00,000/-	<i>Anoop Maheshwari vs. Oriental Insurance Company Ltd. and others</i> AIR 2025 SC 4099
11.	Total Compensation	Rs.99,93,600/-	

26. With regard to the challenge raised to the instructions dated 15.07.2019, it would suffice to note that compensation granted under the instructions *ibid*, is in the nature of a concession purely on humanitarian ground, based on the principle of no-fault liability, which has been categorically specified to be over and above the benefits otherwise admissible to the petitioner. To our mind, *prima facie*, a concession cannot be challenged on the ground of inadequacy and the quantum of grant of such concession or the nature or manner in which the same is to be applied, would remain in the domain of the authority granting such concession, moreso when the said concession is not shown to have infringed or violated any vested right of the petitioner. A perusal of the instructions *ibid* would show that they do not curtail any right of the petitioner either under common law or public law or private law. On the contrary, clause 4 of the instructions specifically provides that the compensation allowed under the said instructions is over and above the benefits otherwise admissible to the concerned categories, as per applicable law. This would include the settled principles of law laid down in such kind of cases. The judgments have already been referred hereinbefore, which entitle the petitioner to adequate compensation based

**CWP-17880-2023**

upon the percentage of injury suffered and entitlement to award of compensation under various heads as detailed in para 25 hereinbefore, which will be over and above the compensation awarded under the instructions dated 15.07.2019, on humanitarian ground. In the light of the aforesaid, issues (ii) and (iii) are answered accordingly.

27. With regard to the challenge to the order dated 13.02.2023 (Annexure P-10), the petitioner has failed to demonstrate from the record or bring any provision to our notice, to succeed in the said challenge. Concededly, the compensation awarded under the Compensation Policy is strictly in accordance with the provisions contained in the instructions dated 15.07.2019, which have already been held to be in the nature of a concession. Keeping in view that the petitioner has already been held entitled to compensation over and above than what has already been awarded under the instructions dated 15.07.2019, testing the order dated 13.02.2023 (Annexure P-10) on the anvil, would in the present circumstances be an academic exercise and this Court is not inclined to devote any further consideration to the said proposition.

28. Resultantly, the present writ petition is partly allowed. The amount of compensation awarded hereinbefore shall attract interest @ 7.5% per annum, from the date of institution of the writ petition till realization of the entire amount. As a matter of abundant caution, it is made clear that no deduction is to be made from the total compensation awarded, for any amounts paid till date, particularly with reference to the compensation already granted under the instructions dated 15.07.2019.

**CWP-17880-2023**

29. The total compensation awarded shall be paid to the writ petitioner within a period of three months from today. Ninety percent of the said amount will be deposited in a Fixed Deposit, earning highest rate of interest, in the name of the petitioner, under joint guardianship of her parents, in any Nationalized Bank at Ateli Mandi, District Mahendragarh (Haryana). The said Fixed Deposit will be periodically renewed, till petitioner attains the age of majority. The interest so accrued will be transferred in a separate Savings Account, to be opened in the same Branch in the name of the petitioner, to be operated jointly by her parents. The Manager of the Nationalized Bank, where the compensation amount shall be deposited, would release a sum of Rs. 30,000/- per month out of the said interest deposited in the saving account to the petitioner, through her guardian, to meet her daily expenses and the balance amount at the end of each quarter be again kept in a separate Fixed Deposit, for being utilized as and when required. The monthly amount given to the petitioner would take care of her special needs, like nutritious food, cost of attendant, educational expenses, etc.

29.1 The petitioner would be at liberty to apply to the Court for release of further sums, as and when they are necessitated for future medical treatment or advance prosthetic arm or any unforeseen contingency.

30. In view of the decision of the Hon'ble Supreme Court in ***Parminder Singh vs. Honey Goyal and others***, reported in AIR 2025 SC 1713, the entire amount including interest awarded hereinabove will be transferred by respondent No.3- Dakshin Haryana Bijli Vitran Nigam Ltd.



CWP-17880-2023

in the bank account(s) of the petitioner within the stipulated time. The particulars of the bank account(s) along with the requisite document(s) in support thereof shall be furnished by the petitioner to the respondent Nigam within a period of four weeks from the date of this order and needful shall be done by the Nigam.

- 31. Writ petition stands disposed of in the aforesaid terms.
- 32. Pending application(s), if any, also stand closed.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

16.03.2026
sumit.k

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No