



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-4806-2017 (O&M)

SHILPA JAIN (SINCE DECEASED) THROUGH LRS. & ORS.

.....Appellants

Vs.

INDERJEET JAIN AND ORS.

.....Respondents

Reserved on: 19.12.2025

Date of decision: 15.01.2026

Uploaded on: 16.01.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. M.K. Mittal, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.2.

Ms. Farheen Bajwa, Advocate
for Mr. Harsh Aggarwal, Advocate
for respondent No.5.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 22.12.2016 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, Sirsa (in short 'the Tribunal') for enhancement of compensation, granted to the appellants/claimants to the tune of Rs.58,22,000/- along with interest @ 9% per annum on account of injuries sustained by the appellant/claimant – Shilpa Jain (since deceased) in a motor vehicular accident, occurred on 08.10.2014.



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

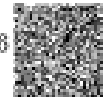
3. The learned counsel for the appellants/claimants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, he prays that the present appeal be allowed and the compensation awarded to the appellants/claimants be enhanced, as per latest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

4. *Per contra*, learned counsel for the respondents, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by Ld. Tribunal is on the higher side.

5. He further contends that the learned tribunal has awarded arbitrary and exorbitant amount of compensation under the head of future medical expenses, which is liable to be reduced.

6. He further points out that the respondent No.2-insurance company have already filed a separate appeal, being FAO-3186-2017, titled as “Bajaj Allianz General Insurance Company Ltd. Vs. Shilpa Jain (since deceased) through LR's and others”, challenging the quantum of compensation awarded by the Tribunal and seeking its reduction. He, therefore, prays that the present appeal filed by the claimants be dismissed and that the compensation be suitably reduced in accordance with the latest law laid down by the Hon'ble Supreme Court.

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



SETTLED LAW ON COMPENSATION

8. 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.*

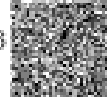
(iii) *Future medical expenses. Non-pecuniary damages (General Damages)*

(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)].

9. 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.”

10. 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%

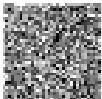
In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para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

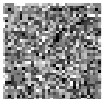
(c) The third and the last aspect is the interest rate claimed as 12%

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</i>	<i>Rs. 9,81,978/-</i>



<i>(Rs.14,648 x 12 x 31.1/100</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.

- 11 A further perusal of the award reveals that deceased was stated to be a homemaker. The learned Tribunal erred in assessing the income of the claimant (Since deceased) on the lower side and contrary to the judgments of Apex Court
12. This Court in FAO-1292-2006, titled as ‘Jasbir Singh and another Vs. Surjit Singh and others’, decided on 22.03.2018 while assessing the notional income of the housewife has held as under:-

*“In FAO No. 218 of 2014, a co-ordinate Bench of this Court, while relying upon the principles laid down in **Lata Wadhwa and others v. State of Bihar and others 2001(4) RCR(Civil) 673**), made the following observations:-*

“Learned counsel for the appellant has argued that even while noticing that the income of a skilled worker in 2012 was approximately Rs.8000/- the Tribunal has wrongly assessed the income of the deceased as Rs.9000/-. As per him once the notional income had been taken a deduction had to be made for personal expenses. This argument is flawed. In Lata Wadhwa and others v.



State of Bihar and others reported as 2001(4) RCR (Civil) 673 (where the accident had taken place in 1981) the Hon'ble Supreme Court evaluated the contribution of a house wife at Rs.3000/-per month. The accident in the present case took place after 23 years. In my considered opinion to tag a house wife as a 'skilled worker' alone does not do complete justice to her multifarious role as a home manager. Keeping in view the lapse of 23 years between the accident in the case of Lata Wadhwa and the present accident and my conclusion that a house wife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. On the whole I see no reason for reducing the quantum."

7. I find sufficient reason to follow the judgment in FAO No. 218 of 2014, particularly as I am informed that the Special Leave Petition (SLP) filed against the order in this case has been dismissed by the Hon'ble Supreme Court. Similarly, the SLP filed in the other case cited by the appellants has also met the same fate. Consequently, these orders have attained finality, leaving no scope for further dispute regarding their binding nature.

8. It is imperative to acknowledge the multifaceted role of a housewife as a homemaker. Her contributions extend beyond measurable economic parameters, encompassing household management, child care, emotional support, and the upkeep of familial stability. These services, though often unrecognized in monetary terms, are invaluable to the functioning and well-being of a household. In assessing compensation, the court must factor in this indispensable contribution, which would otherwise necessitate considerable expenditure if outsourced. In view of the above, it is just and reasonable to determine the monthly income of the deceased Charanjit Kaur, housewife at



Rs.9,000/- per month, therefore, the award requires interference by the Court.”

13. In ***Jasbir Singh’s case (supra)***, the notional income of a housewife was taken as Rs.9000/-. However, in the present case, with the accident occurring in 2014, and in view of sustained inflation, the rising cost of living, and jurisprudential acknowledgment of the far-reaching economic contribution of homemakers, it is both just and reasonable to reassess the notional income of the deceased.

14. The work of a housewife transcends caretaking embracing preparation of meals for the entire family; procurement of groceries and household supplies; cleaning and maintenance of the house and surroundings; financial planning and budget management; child care and education; tending to elderly dependents; coordinating repairs and homebased healthcare etc. These services, if procured in the open market, would command substantial remuneration, underscoring the integral role played by a homemaker in family stability.

15. In light of the above legal position and having due regard to the facts and circumstances of the present case, this Court finds it appropriate to assess the notional income of the claimant-Shilpa Jain (since deceased) at **Rs.15,000/- per month.**

16. A further perusal of the record 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.

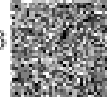
17. It is trite that permanent disability suffered by an individual not only impairs his cognitive abilities and his physical facilities, but there are multiple



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. As per the facts of the case the claimant (since deceased) suffered grievous injuries on her person including serious head injuries with multiple hemorrhagic contusions. Further, she was operated for the same and was kept on ventilator till she succumbed to her injuries on 21.11.2017. Furthermore, PW-7 Dr. Sanjeev Rajput Neurosurgeon has also deposed that the claimant was being fed through pipes and had no movements whatsoever. It is evident from the record that the claimant (since deceased) was in a total vegetative state after the accident in question till her death. This fairly concludes the fact that the claimant have suffered immense amount of pain and agony due to the accident in question.

18. 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.”

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

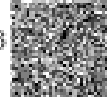
20. Further perusal of the record shows that the claimant (since deceased) suffered various grievous injuries on her body making her life miserable. As a result, she had to depend on others for her daily activities and likely to have employed an attendant to assist her for her necessary physical movements, till the day she eventually died. This Court has dealt with similar issue in 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.*



21. In view of the above judgment and considering age and disability suffered by the appellant-Shilpa Jain (since deceased), the appellant(s) are entitled to attendant charges to the tune of **Rs.8,00,000/-**.

22. Adverting to the contention raised by the respondent No.2-insurance company that the learned Tribunal has erred in awarding a sum of ₹30,00,000/- towards future medical expenses. The respondents have argued that the award is not supported by cogent evidence and is exorbitant and arbitrary and since the claimant-Shilpa Jain has passed away, the future medical expenses are not to be given. The legal position on this issue stands conclusively settled by the Hon'ble Supreme Court in **Dhannalal (@ Dhanraj (Dead) v. Nasir Khan, 2025 INSC 1177**. The Apex Court authoritatively held that the amounts computed towards medical expenses—both incurred and future—as well as expenses for a personal attendant, are liable to be sustained where the injured victim survived for a considerable period after the accident in a vegetative state. In such circumstances, the Court observed that these amounts, having accrued during the lifetime of the injured, form part of the estate of the injured-victim. Consequently, upon the death of the injured, the legal heirs are legally entitled to recover the said amounts as representatives of the estate.

The relevant extract of the aforesaid judgment is reproduced hereunder:

“12. The award of the Tribunal as modified and enhanced by the High Court determined a total award of Rs.5,52,095/- as computed under mental agony, pain and suffering, nourishment, transportation and medical expenses, incurred and future, as also expenses for a personal attendant which has to be sustained, since the

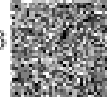


injured had lived for 11 years after the accident, in a vegetative state. That has already become a part of the estate of the injured-victim.”

23. Further, the Hon’ble Apex Court has consistently reiterated that the Motor Vehicles Act, 1988 is a piece of beneficial legislation and that the guiding principle for awarding compensation in motor accident claims is that of “just compensation”. Recently, in **K. Ramya v. Insurance Company Ltd. 2022 SCC Online SC 1338**, the Supreme Court reaffirmed this settled position and emphasized that compensation awarded must be fair, reasonable, and commensurate with the injuries suffered by the victim.

24. The relevant paragraphs of the same is reproduced as under:

*“11. At the outset, it is pertinent to reiterate the concept of ‘just’ compensation under Section 168 of the Act. It is a settled proposition, now through a catena of decisions including the one rendered by the Constitution Bench in Pranay Sethi that compensation must be fair, reasonable and equitable. Further, the determination of quantum is a fact-dependent exercise which must be liberal and not parsimonious. It must be emphasized that compensation is a more comprehensive form of pecuniary relief which involves a broad-based approach unlike damages as noted by this court in **Yadava Kumar v. Divisional Manager, National Insurance Co. Ltd (2010) 10 SCC 341**, para 17. The discussion in the abovementioned cases highlights that Tribunals under the Act have been granted reasonable flexibility in determining ‘just’ compensation and are not bound by any rigid arithmetic rules or strict evidentiary standards to compute loss unlike in the case of damages. Hence, any interference by the Appellate Courts should ordinarily be allowed only when the compensation is ‘exorbitant’ or ‘arbitrary’.*



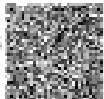
12. Furthermore, Motor Vehicles Act of 1988 is a beneficial and welfare legislation that seeks to provide compensation as per the contemporaneous position of an individual which is essentially forward-looking. Unlike tortious liability, which is chiefly concerned with making up for the past and reinstating a claimant to his original position, the compensation under the Act is concerned with providing stability and continuity in peoples' lives in the future. Keeping the abovementioned principles in the backdrop, we now move on to the facts at hand.”

25. As per the facts of the present case, the claimant (since deceased) had suffered grievous and life-threatening injuries, including severe head injuries with multiple hemorrhagic contusions. Post-surgery, she was kept on ventilatory support and underwent prolonged treatment at various hospitals. She remained in a complete vegetative state from the date of the accident till her eventual demise.

26. In view of the nature and severity of the injuries, the prolonged hospitalization, and the continuous medical care required, the learned Tribunal has rightly awarded compensation towards future medical expenses. This Court finds no infirmity, arbitrariness, or excessiveness in the said award, which is in consonance with the settled principles governing the grant of just compensation. Therefore, no interference is warranted in this regard.

27. A further perusal of the award reveals that the learned Tribunal has erred in not adding any amount of future prospects to the income of the claimant, therefore, as per settled law 40% is to be added as future prospects.

28. A further perusal of the award reveals that meager amount is granted by the learned Tribunal under the head of transportation. Furthermore, no amount



was granted for loss of amenities of life and special diet. Therefore, the award requires indulgence of this Court.

RELIEF

29. In view of the above, the present appeal is allowed and award dated 22.12.2016 is modified. Accordingly, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the appellants-claimants are held entitled to the enhanced amount of compensation as calculated below:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	<i>Income</i>	<i>Rs.15,000/-</i>
2	<i>Loss of future prospects (40%)</i>	<i>Rs.6,000/- (40% of Rs.15,000/-)</i>
3	<i>Annual Income</i>	<i>Rs.2,52,000/- (Rs.21,000/- X 12)</i>
4	<i>Loss of future earning on account of 100% disability</i>	<i>Rs.2,52,000/- (Rs.2,52,000/- X 100%)</i>
5	<i>Multiplier of 17</i>	<i>Rs.42,84,000/- (Rs.2,52,000/-X 17)</i>
6	<i>Medical Expenses</i>	<i>Rs.12,44,000/-</i>
7	<i>Pain and suffering</i>	<i>Rs.15,00,000/-</i>
8	<i>Attendant Charges</i>	<i>Rs.8,00,000/-</i>
9	<i>Transportation Charges</i>	<i>Rs.2,00,000/-</i>
10	<i>Loss of amenities of life</i>	<i>Rs.5,00,000/-</i>
11	<i>Future medical expenses</i>	<i>Rs.30,00,000/-</i>
12	<i>Special Diet</i>	<i>Rs.3,00,000/-</i>
13	<i>Total compensation awarded:-</i>	<i>Rs.1,18,20,000/-</i>
14	<i>Deduction:- Amount awarded by Tribunal</i>	<i>Rs.58,22,000/-</i>
15	<i>Enhanced amount of compensation</i>	<i>Rs. 59,98,000 /- (1,18,20,000- 58,22,000)</i>

30. 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.

31. Respondent No.2-Insurance Company is directed to deposit the enhanced amount along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the enhanced amount of compensation along with interest to the appellants-claimants.

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

(SUDEEPTI SHARMA)
JUDGE

15.01.2026

Ayub

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