



FAO-3558 of 2018 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO-3558 of 2018 (O&M)

Nirmal Kaur

.....Appellant

Vs.

Wazir Ahmad & ors

.....Respondents

Date of Reserve: 20.03.2026

Pronounced on: 07.05.2026

Uploaded on:- 08.05.2026

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. Ashwani Arora & Mr. Vipul Sharma, Advocates
for the appellant.

Mr. Amit Jaiswal, Advocate
for respondent No. 3.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 30.04.2016 passed in the claim petitions filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') for enhancement of compensation granted to the claimant/appellant to the tune of Rs.11,26,380/- @ 7.5% per annum, who is the mother of the deceased-Navneet Kaur.

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 here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. The learned counsel for the claimant-appellant contends that



- (i) The compensation assessed by the learned Tribunal is on the lower side and deserved to be enhanced.
- (ii) That the deceased Navneet Kaur got severally injured in accident in question and she remained admitted in PGI, Chandigarh for around 25 days. After her discharge from PGI, Chandigarh, she remained bed ridden in a vegetative state and ultimately, expired after 33 months due to injuries suffered by her in the above accident.
- (iii) That despite overwhelming medical evidence on record, the learned Tribunal has erred in not granting even a single penny under the head of loss of pain and suffering caused to injured (since deceased).
- (iv) That a meager amount has been awarded for medical expenses and no amount for future medical treatment was awarded.
- (v) That the amount awarded under the head of attendant charges, special diet is also on the lower side.
- (vi) That he relies upon a judgment of Hon'ble the Supreme Court in a case of ***New India Assurance Co. Ltd vs. Ashish Ravinder Kulkarni and others, 2023 ACJ 1997*** to contend that since the deceased was a regular employee, 50% addition should be made towards future prospects. He, thus prays that the present appeal be allowed.
4. Per contra, learned counsel for respondent No. 3-Insurance Co., however, vehemently argues that the award has rightly been passed and the amount of compensation as assessed by the learned Tribunal has rightly been granted. He further contends that the learned Tribunal has rightly not awarded any amount under the head of pain and suffering, as the same was experienced was personal to her and cannot be considered as to loss of estate of deceased. He, therefore, prays for dismissal of the appeal.



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

6. A bare perusal of the impugned award would reveal that the injured—Navneet Kaur (since deceased) was a young girl of merely 21 years of age at the time of the unfortunate accident. She was employed as a Customer Support Associate with Tech Mahindra and stood at the threshold of a promising career and a fulfilling life. The records portray not merely the loss of income of a young earning member, but the destruction of the aspirations, dignity and future of a girl who had only just begun to shape her life.

7. However, fate dealt a cruel blow. On account of the injuries sustained in the accident, the deceased was reduced to a state of complete helplessness and prolonged unconsciousness. The evidence on record demonstrates that what should have been the most vibrant years of her life were instead spent in hospitals, on life-support measures and in a vegetative condition, entirely dependent upon others even for her basic existence. The accident did not merely impair her physical faculties; it effectively robbed her of the ability to live a life of dignity, awareness and human interaction.

8. The material available on record further shows that from the date of the accident till her eventual demise, she remained confined to bed, deprived of every ordinary enjoyment and amenity of life. Thus, the case at hand is not merely one of bodily injury resulting in death, but one involving prolonged human suffering, complete loss of consciousness and the extinguishment of a young life in the most tragic circumstances.

9. The evidence on record further discloses that, on account of the grievous neurological injuries suffered in the accident, an artificial windpipe had to be inserted in her body for sustaining her life functions. Thus, the deceased was



compelled to endure a prolonged vegetative existence for nearly two years and nine months after the accident, before she ultimately succumbed on 01.04.2015.

10. Despite the aforesaid overwhelming and clinching evidence demonstrating prolonged agony, complete loss of consciousness, total dependency and irreversible physical devastation suffered by the injured, the learned Tribunal declined to award any compensation under the head of pain and suffering on the premise that such compensation would not survive to the estate of the deceased and could be granted only to the injured herself. The said finding, in the considered opinion of this Court, is legally unsustainable and contrary to the law laid down by the Hon'ble Supreme Court.

11. In *Dhannalal Alias Dhanraj (Dead) v. Nasir Khan, 2025 INSC 1177*, the Hon'ble Apex Court authoritatively held that where an injured victim survives for a considerable period in a vegetative or incapacitated condition after the accident, the amounts relatable to mental agony, pain and suffering, nourishment, transportation, medical treatment, attendant charges and similar consequences of the injuries become a part of the estate of the injured and are, therefore, recoverable by the legal representatives after the death of the victim. Hon'ble the Supreme Court unequivocally recognized that compensation under such heads does not perish merely because the injured subsequently dies during the pendency of proceedings.

12. The principle underlying the aforesaid judgment is that the law cannot remain oblivious to the immense human suffering undergone by a victim who survives in a state devoid of dignity, consciousness and normal human faculties for a prolonged duration. The compensatory jurisprudence under the Motor Vehicles Act is intended to award "just compensation", and such concept necessarily



encompasses recompense for the prolonged physical and mental trauma suffered by the victim during the period of survival after the accident.

13. The concept of “pain and suffering” has also been elaborately considered by the Hon’ble Supreme Court in ***K.S. Muralidhar v. R. Subbulakshmi***, **2024 INSC 886** wherein it was observed that although pain and suffering cannot be measured with mathematical precision, Courts are duty bound to award fair and reasonable compensation keeping in view the extent of disability, deprivation suffered, loss of amenities and the impact of the injuries upon the remaining life of the victim. The Apex Court emphasized that prolonged suffering resulting in a vegetative or permanently incapacitated state strikes at the very dignity and meaningful existence of a human being and, therefore, warrants substantial compensation under the non-pecuniary heads. The relevant extract of the same is reproduced as under:-

“12. It is to be noted that both the Tribunal and the High Court have taken the disability suffered by the claimant-appellant to be at 100%. We find no ground to take a different view.

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

13.1 The entry recording the term ‘pain and suffering’ in P. Ramanatha Iyer's Advanced Law Lexicon[9] reads as under:-

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

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



13.2 Eric Cassell[10], an American Physician and Bioethicist, defines 'pain' not only as a sensation but also 'as experience embedded in beliefs about causes and diseases and their consequences', and 'suffering' as 'the state of severe distress associated with events that threaten the intactness of person'.

13.3 In a recent article[11] published in the journal of the International Association for the Study of Pain, it has been recorded that there is no consensus on what exactly the concept of pain-related suffering includes, and it is often not precisely operationalised in empirical studies. The authors in their systematic review analysed 111 articles across a variety of disciplines such as bioethics, medical ethics, psycho-oncology, anaesthesiology, philosophy, sociology etc., we may refer to few of them:

13.3.1 Eugene V. Boisaubin[12], who is currently a Professor at the University of Texas, at Houston, in a 1989 article defined it as "Suffering is experienced by individual and arises from threats to the integrity of the individual as a complex social and psychological entity."

13.3.2 Andrew Edgar, who is currently a Reader Emeritus in Philosophy at Cardiff University at UK has defined, in a 2007 article suffering as an "experience of life never getting better, revealing in the sufferer only vulnerability, futility, and impotence."

13.3.3 Arthur W. Frank[13], Professor Emeritus, Department of Sociology, University of Calgary in his well-known article "Can We Research Suffering?", published in 2001, observed that "at the core of suffering is the sense that something is irreparably wrong with our lives, and wrong is the negation of what could have been right. Suffering resists definition because it is the reality of what is not."

13.3.4 Daryl Pullman[14] who currently serves as University research Professor, Bioethics at the Memorial University of Newfoundland, Canada in his 2002 article defined suffering as the "product of [physical], psychological, economic, or other factors that frustrate an individual in the pursuit of significant life projects."

13.4 The Judicial Studies Board, now known as the Judicial College in the United Kingdom, produced guidelines in 1992 to produce greater consistency of awards and make the judicial scale of values more easily accessible. They have been deduced from a study of past cases, examining the range of awards therein. The latest edition of these guidelines was published in



2021[15]. They record the difficulty of computing 'pain and suffering' as under :-

[15 See : **Hassam and Anr. v. Rabot and Anr. (2024) UKSC 11**]

"It is widely accepted that making of an award of general damages for pain and suffering is a somewhat artificial task. It involves the Judge seeking to convert the pain and suffering of a given claimant into a monetary award which he or she considers to be reasonable by way of compensation. That is a difficult task and one which has historically led to judges making widely varying awards of damages in respect of relatively comparable injuries a result which not only offends the principle of equality before law but results in unnecessary appeals and the incurring of additional cost, apart altogether from the burden that such appeals place on the Court's own scarce resources."

13.5 In determining non-pecuniary damages, the artificial nature of computing compensation has been highlighted in **Heil v. Rankin [2001] QB 272**, as referred to in **Attorney General of St. Helena v. AB & Ors. Privy Council Appeal No. 0034 of 2018** as under:-

*"23. This principle of 'full compensation' applies to pecuniary and non-pecuniary damage alike. But, as Dickson J indicated in the passage cited from his judgment in **Andrews v. Grand & Toy Alberta Ltd, 83 DLR (3d) 452, 475-476**, this statement immediately raises a problem in a situation where what is in issue is what the appropriate level of 'full compensation' for non-pecuniary injury is when the compensation has to be expressed in pecuniary terms. There is no simple formula for converting the pain and suffering, the loss of function, the loss of amenity and disability which an injured person has sustained, into monetary terms. Any process of conversion must be essentially artificial. Lord Pearce expressed it well in **H West & Son Ltd v. Shephard [1964] AC 326, 364** when he said:*

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

24. The last part of this statement is undoubtedly right. The injured person may not even be in a



*position to enjoy the damages he receives because of the injury which he has sustained. Lord Clyde recognised this in **Wells v. Wells [1999] 1 AC 345, 394H** when he said: 'One clear principle is that what the successful plaintiff will in the event actually do with the award is irrelevant.'*

13.6 In the context of the United States, the most important piece of legal literature regarding 'pain and suffering' is an article titled Valuing Life and Limb in Tort: Scheduling Pain and Suffering, published in the year 1989. Relevant extracts thereof read as under :

"Pain and suffering and other intangible or non-economic losses are even more problematic. Physical pain and attendant suffering have for centuries being recognised as legitimate elements of damages, and "modern" tort law has seen a marked expansion of the rights to recover for forms of mental anguish. Some Courts have even permitted recovery for emotional trauma unaccompanied by physical injury, including derivative losses stemming from injuries to family members. The precise elements of compensable non-economic loss vary by jurisdiction. Pain and suffering may be used as a catch-all category for the jury's consideration of all non-pecuniary losses in a case of a nonfatal injury, subsuming other qualitative categories such as mental anguish and humiliation. More commonly, though, other non-economic elements - such as "loss of enjoyment of life" are accorded independent standing ..."

Another important observation is that:

"Whatever the categories of non-economic damages allowed in a given jurisdiction, the law provides no objective benchmarks valuing them. As one commentator notes, "Courts have usually been content to say that pain and suffering damages should amount to 'fair compensation', or a 'reasonable amount', 'without any definite guide'."

13.7 Consideration of the above, underlines that while each discipline has its own conception of the meaning of pain/suffering, within its confines, the commonality that emerges is that a person's understanding of oneself is shaken or compromised at its very root at the hands of consistent suffering. In the present facts, it is unquestionable that the sense of something being irreparably wrong in life, as spoken



by Frank (*supra*); vulnerability and futility, as spoken by Edgar, is present and such a feeling will be present for the remainder of his natural life.

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

14.1 In **R.D Hattangadi v. Pest Control (India) (P) Ltd. (1995) 1 SCC 551**. It was observed :

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

(Emphasis Supplied)

14.2 This Judgment was recently referred to by this Court in **Sidram v. United India Insurance Company Ltd. (2023) 3 SCC 439** reference was also made to **Karnataka SRTC v. Mahadeva Shetty (2003) 7 SCC 197** (irrespective of the percentage of disability incurred, the observations are instructive), wherein it was observed :

"18. A person not only suffers injuries on account of accident but also suffers in mind and body on account of the accident through out his life and a feeling is developed that his no more a normal man



and cannot enjoy the amenities of life as another normal person can. While fixing compensation for pain and suffering as also for loss of amenities, features like his age, marital status and unusual deprivation he has undertaken in his life have to be reckoned."

*14.3 In **Kajal v. Jagdish Chand (2020) 4 SCC 413** considering the facts of the case, i.e., 100% disability, child being bedridden for life, her mental age being that of a nine-month-old for life - a vegetative existence, held that "even after taking a conservative view of the matter an amount payable for the 'pain and suffering' of this child should be at least Rs.15,00,000/-."*

*14.4 In **Ayush v. Reliance General Insurance (2022) 7 SCC 738** relying on Kajal (supra) the amount awarded in 'pain and suffering' was enhanced to Rs.10,00,000. The child who had suffered the accident was five years old and the **Court** noted in paragraph 2 that :*

"As per the discharge certificate, the appellant is not able to move both his legs and had complete sensory loss in the legs, urinary incontinence, bowel constipation and bed sores. The appellant was aged about 5 years as on the date of the accident, hence has lost his childhood and is dependent on others for his routine work."

*14.5 In Lalan (supra) cited by the claimant-appellant, the Tribunal awarded Rs.30,000/- which was enhanced to Rs.40,000/- by the High **Court**. Considering the fact that the appellant therein has suffered extensive brain injury awarded compensation under 'pain and suffering' to the tune of Rs.3,00,000/-.*

*15. Keeping in view the above-referred judgment, 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 22 (2022) 7 SCC 738 15| SLP (C) NO. 18337 OF 2021 by a sum*



of Rs. 10,00,000/-, we find the compensation to be just, fair and reasonable at the amount so awarded.

43. *Further, the Hon'ble Supreme Court in the case of **Baby Sakshi Greola Vs. Manzoor Ahmad Simon and anothers, 2025(1) RCR (Civil) 238**, where the injured was a female child aged 7 years and had suffered grievous injuries, learned Tribunal awarded Rs.50,000/-towards pain and suffering, but the same was enhanced by the Hon'ble High Court to Rs. 12,00,000/-. When the matter reached to the Hon'ble Apex Court, the same was enhanced to Rs. 15,00,000/-.*

44. *In view of the settled law by Hon'ble Apex Court, since in the present case as well, the disability is 100% by applying the same parameters a compensation of Rs.15 lakhs is hereby awarded to the appellant-claimant towards pain and sufferings.*

14. Similarly, in ***Baby Sakshi Greola Vs. Manzoor Ahmad Simon and anothers, 2025(1) RCR (Civil) 238*** the Hon'ble Supreme Court substantially enhanced the compensation awarded towards pain and suffering in a case involving grievous and life-altering injuries suffered by a minor child, reiterating that compensation under this head must reflect the gravity, duration and lifelong impact of the suffering endured by the victim.

15. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the deceased remained in a vegetative and unconscious condition for approximately thirty-three months after the accident. During this prolonged period, she was deprived of every normal human faculty and remained entirely dependent upon attendants for her survival. The evidence unmistakably establishes that she underwent unimaginable physical trauma and prolonged suffering before her eventual demise. The denial of compensation under the head



of pain and suffering by the learned Tribunal, therefore, defeats the very concept of “just compensation” embodied under the Motor Vehicles Act.

16. In view of the law laid down by the Hon’ble Supreme Court and having regard to the nature of injuries, prolonged vegetative existence, complete loss of amenities of life and the duration for which the deceased remained alive after the accident in a helpless condition, this Court is of the considered view that the claimant is entitled to compensation under the head of pain and suffering as the same had become a part of the estate of the deceased.

ATTENDANT CHARGES

17. So far as the award of compensation under the head of attendant charges is concerned, the Hon’ble Supreme Court in ***Kajal v. Jagdish Chand (2020) 4 SCC 413***, while dealing with a case involving a child victim who had suffered 100% disability and was rendered completely dependent upon others, held that the requirement of attendants in cases of permanent incapacitation is a continuing necessity and the compensation towards attendant charges is required to be assessed realistically by applying the multiplier method.

18. In the present case, the evidence on record unequivocally establishes that the injured–Navneet Kaur (since deceased) remained bedridden and in a comatose/vegetative state for nearly 33 months from the date of the accident till her untimely demise on 01.04.2015. PW-2 Dr. Manish Kumar specifically deposed that she never regained consciousness and continued to remain in a vegetative condition throughout the period of treatment and follow-up.

19. Further, PW-3 Cathrine Chaudhary stated that she was working as a staff nurse with Home Care and had been attending upon Navneet Kaur for about two years. She categorically deposed that the injured was lying in a state of coma



and that she was being paid Rs.10,000/- per month for rendering nursing assistance.

20. The learned Tribunal, however, assessed the attendant charges at merely Rs.3,000/- per month. In the considered opinion of this Court, the said assessment is wholly unrealistic and grossly inadequate having regard to the nature of the injuries and the condition in which the injured remained for almost three years.

21. A person lying in a comatose and vegetative state would necessarily require round-the-clock care and constant supervision. Such a patient cannot survive without assistance for feeding, cleaning, movement, administration of medicines, maintenance of hygiene and emergency medical attention. The very nature of such condition demands the presence of attendants both during day and night hours, thereby necessitating at least two attendants working in shifts. Moreover, the attendant required for such a patient cannot be treated as an unskilled worker, as the care of a comatose patient requires basic nursing knowledge, medical awareness and experience in handling critically dependent persons.

22. Taking judicial notice of the prevailing cost of caregiving services and the evidence led on record, this Court is of the view that the minimum reasonable remuneration for one trained attendant at the relevant time ought to be assessed at Rs.10,000/- per month. Since the injured required the services of two attendants continuously, the attendant charges are assessed at Rs.20,000/- per month.

23. Accordingly, applying the principles laid down in *Kajal's case (supra)*, the claimant is held entitled to attendant charges at the rate of Rs.20,000/- per month for a period of 33 months, which comes to **Rs.6,60,000/-** under the said

**FUTURE MEDICAL EXPENSES**

24. Furthermore, it transpires from the record that the learned Tribunal failed to award any amount whatsoever towards future medical expenses, despite the undisputed fact that the injured—Navneet Kaur (since deceased) remained in a comatose and vegetative condition for nearly 33 months following the accident. In the considered view of this Court, such omission has resulted in grave inadequacy in the award of just compensation.

25. The evidence on record clearly establishes that after sustaining catastrophic injuries in the accident, the deceased remained completely bedridden, unconscious and dependent upon continuous medical care till her eventual demise. A patient in such a condition would necessarily require regular medical supervision, nursing care, medicines, tracheostomy management, physiotherapy, consumables, periodic consultations and emergency medical assistance. The very survival of the injured for such a prolonged duration itself reflects that substantial expenditure must have been continuously incurred for maintaining her medical condition and sustaining her life.

26. The concept of “just compensation” under the Motor Vehicles Act cannot be interpreted in a narrow or pedantic manner so as to confine compensation only to those expenses which are supported by preserved bills and vouchers. In cases involving prolonged hospitalization, coma or vegetative existence, the Court is required to adopt a realistic, humane and pragmatic approach while assessing future medical expenditure, particularly when the condition of the victim itself demonstrates the inevitability of recurring and continuous medical care.

27. This Court can also take judicial notice of the fact that treatment and maintenance of a patient lying in a prolonged comatose state entails enormous



financial burden upon the family. Such expenses are not confined merely to hospitalization, but extend to medicines, medical equipment, nursing assistance, periodic procedures and life-support care on a continuing basis.

28. In the present case, the injured survived for almost three years after the accident in a state devoid of consciousness and normal bodily functions. Denial of compensation towards future medical expenses in such circumstances would amount to a failure to award fair, reasonable and just compensation as contemplated under the law.

29. Accordingly, having regard to the prolonged vegetative condition of the injured, the nature of medical care necessarily required and the attendant circumstances emerging from the record, this Court deems it appropriate to award a sum of **Rs.5,00,000/-** towards future medical expenses in the interest of justice.

30. A perusal of the award further reveals that the learned Tribunal has rightly assessed the monthly income of the injured since deceased as Rs.6490/- by taking into account salary certificate (Ex P4/3) and testimony of PW4.

31. So far as future prospects is concerned, reference at this stage can be made the judgment of Hon'ble Apex Court rendered in ***New India Assurance Co. Ltd vs. Ashish Ravinder Kulkarni and others, 2023 ACJ 1997*** wherein it was held that in case of a person who is in regular service, a percentage higher than the one stated in ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]***, can also be awarded. The relevant extract of the same is reproduced as under:-

“7. It is also his case that the future prospects as reckoned at 30% is not justified and the same should have been at 25% since the job of the deceased cannot be considered as permanent employment. Lastly, it is contended the interest as fixed by the High Court at



7.5% per annum is excessive and is without appropriate reason being assigned.

8. The learned counsel for the respondents/claimants would however seek to sustain the judgment passed by the High Court. On all the aspects which have been urged by the learned counsel for the appellant, it is contended that the MACT as well as the High Court have looked into the evidence which was available before it and has thereafter arrived at its conclusion, which does not call for interference.

9. In the light of the contentions put forth, insofar as the salary, we take note that by way of clarification, we had required the learned counsel for the respondents/claimants to point out that the amount paid was after deduction of the tax or proof for payment of tax, since the learned counsel for the appellant had contended that the same has not been done. Alongwith an application, in addition to the documents that were relied on before the MACT, the notice of assessment of the Inland Revenue Authority of Singapore is produced. From the same, it would indicate that from the salary paid to the deceased, tax has been assessed in Singapore. Hence, there is no scope for double taxation on the same income. Therefore, deducting any amount towards tax once over again would not arise. Hence, his salary as reckoned by the High Court is justified and the same does not call for interference.

*10. On the aspect relating to the future prospects, having noted the salary that was being drawn by the deceased, we have also taken into consideration that the deceased was employed in TATA Precision Industries. Another employee who was working as the Assistant Manager in Human Resources had been examined as PW-2 before the MACT to prove the same. In that regard, taking note of the evidence tendered by PW-2 to indicate the nature of employment of the deceased as also his prospects, **we are of the opinion that** the future prospects as reckoned in the instant case is also justified. This is for the reason that though the learned counsel for the appellant seeks to point to the portion of the cross-examination of the said witness to indicate that he had earlier*



been terminated from TATA Holset Private Limited and had thereafter been appointed in TATA Precision Industries, it would not lead to a conclusion that the job was not of permanent nature. In fact, even if the employment letter indicated that the job could be terminated with 30 days notice as insisted by the learned counsel, that cannot be the basis in as much as the said provision for termination notice would be available to both the parties, namely the employer and the employee and that by itself cannot indicate that the employment was of a temporary nature. Right of the employer to terminate does not suggest it is temporary employment. Such right if exercised has to be in terms of law. Further, from the cross-examination, the suggestion put to PW-2, would only indicate that the deceased who was earlier employed in TATA Holset Private Limited was thereafter taken in another sister concern of the same group providing him better prospects. Therefore even if that aspect of the matter is kept in view, the future prospects as reckoned by the High Court is justified.”

32. Consequently, in view of the law laid down by Hon’ble the Supreme Court in **Ashish Ravinder Kulkarni’s case (supra)**, 50% addition is made under the head of future prospect is hereby affirmed.

33. A perusal of the award further reveals that compensation awarded under the heads of loss of consortium, special diet, conveyance allowance is on the lower side and deserves to be enhanced. Therefore, the award requires indulgence of this Court.

CONCLUSION

34. In view of the law laid down by the Hon’ble Supreme Court in the above referred to judgments, the present appeal is allowed. The award dated 30.04.2016 is modified accordingly. The appellant-claimant is entitled to enhanced compensation as per the calculations made here-under:-



<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.6490/-
2	Future prospects @50%	Rs.3245/- (50% of 6490)
3	Deduction towards personal expenditure 1/2	Rs.4867/- (9735 X 1/2)
4.	Total Income	Rs.4868/- (9735-7867)
5	Multiplier	18
6	Annual Dependency	Rs.1051488/- (4868 X 12 X 18)
7.	Medical expenses	Rs.126065/-
8.	Pain and sufferings	Rs.15,00,000/-
9	Attendant Charges	Rs.6,60,000/-
10	Future medical expenditure	Rs.5,00,000/-
11	Funeral Expenses	Rs.15,000/-
12.	Special Diet	Rs.1,00,000/-
13	Loss of Consortium Filial : Rs. 40,000/-x2	Rs.80,000/-
	Total Compensation	Rs.40,32,553/-
	Amount Awarded by the Tribunal	Rs.11,26,380/-
	Enhanced amount	Rs.29,06,173/-

35. 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 appellant-claimant is granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

36. The Insurance Company-respondent No. 3 is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a



period of two months from today. The Tribunal is further directed to disburse the enhanced amount of compensation along with interest in the account of the claimant/appellant, as per ratio settled in the award dated 30.04.2016. The claimant/appellant is directed to furnish the bank account details to the Tribunal.

37. Pending applications, if any, also stand disposed of.

May 07, 2026

Gaurav Arora

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes