



[2025:RJ-JP:23306]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Miscellaneous Appeal No. 1999/2020

Kumari Neelam D/o Shri Hanuman Sahai Meena, Aged About 22 Years, R/o Gram Badoli, Tehsil And District Dausa.

----Claimant/Appellant

Versus

1. Jai Prakash Natani S/o Shri Shashi Prasad Natani, R/o Veerchandra Singh Gharwali Marg, Shrinagar Pauri Garhwal, District- Pauri Garhwal, Uttarakhand (Driver)
2. Mangal Singh Panwar S/o Shri Sate Singh Panwar, R/o Agency Mohalla, Srinagar, Pauri Gharwali, District - Pauri Garhwal, Uttarakhand (Owner)
3. Tata AIG General Insurance Company Limited, Through Branch Manager, Branch Office - 205-208, Green House, Ashok Marg, C-Scheme, Jaipur (Insurance Company)

----Non-claimants/Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 1474/2020

Tata AIG General Insurance Co. Ltd., Through Branch Manager, Branch Office, 205-208, Green House, Ashok Marg, C-Scheme, Jaipur At Present At Having Office At C-99, Shreeji Towers, Subhash Marg, C-Scheme, Jaipur Through Its Authorized Signatory, (Insurance Company Of Car No. Uk 12 A 7878)

----Non-claimant/Appellant

Versus

1. Kumari Neelam D/o Shri Hanuman Sahai Meena, Resident Of Village Badoli, Tehsil And District Jaipur.
...Claimant/Appellant
2. Jaiprakash Natani S/o Shri Shashi Prasad Natani, Resident Of Veer Chandra Singh Gharwali Marg, Srinagar, Pauri Garwal, District Pauri Gharhwal, Uttrakhand (Driver Of Car No. Uk 12 A 7878)
3. Mangal Singh Panwar S/o Shri Sate Singh Panwar, Resident Of Agency Mohalla, Srinagar, Pauri Gharhwal, District Pauri Gharhwal, Uttrakhand (Owner Of Car No. Uk 12 A 7878)

----Non-claimants/Respondents

For Appellant(s) : Mr. Ritesh Jain with Mr. Ramdeo Arya
for claimant/appellant in Misc. Appeal





No.1999/2020 and for
claimant/respondent No.1 in Misc.
Appeal No. 1474/2020

For Respondent(s) : Mr. Rizwan Ahmed for non-claimant/
respondent No.3 in Misc. Appeal No.
1999/2020 and for appellant/non-
claimant in Misc. Appeal No.
1474/2020



HON'BLE MR. JUSTICE GANESH RAM MEENA
Judgment

Reportable

Reserved on	:::	May 30, 2025
Pronounced on	:::	June 18, 2025

1. Both the misc. appeals i.e. misc. appeal No. 1999/2020 filed by the claimant-appellant- Kumari Neelam and the misc. Appeal No. 1474/2020 filed by the appellant/non-claimant- Tata AIG General Insurance Company Limited arise out of common judgment and award dated 18.02.2020 passed by the Court of learned Motor Accident Claims Tribunal, Dausa (Rajasthan) [for short 'the Tribunal'] in case No. 93/2019, Kumari Neelam Vs. Jaiprakash Natani & Ors, which pertain substantially to the issue of quantum of compensation, hence they are being decided by this common judgment.

2. The facts borne out from the pleadings are that the injured claimant-Ms. Neelam, along with her friend, was walking from the Polytechnic Campus of the National Institute of Technology (NIT), Uttarakhand towards the IIT Campus. During this time, a vehicle bearing registration number UK-12-A-7878, being driven in a rash and negligent manner by its driver, struck the claimant with considerable force, as a result, the claimant sustained grievous injuries, and her companion also suffered



physical harm. Both individuals were immediately taken to Base Hospital, Srinagar for medical attention.

Subsequently, on the following day, a written report regarding the incident was lodged by the Registrar of the National Institute of Technology, Uttarakhand. Based on this report, the Station House Officer, Police Station Srinagar, District Pauri Garhwal, registered an FIR No. 55/2018 for the offences under Sections 279, 337, and 338 of the Indian Penal Code. Following due investigation, a charge sheet (challan) was filed against the driver

3. In connection with this incident, the claimant instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation against the driver, the owner of the vehicle and the insurance company.

4. In the written statements, the owner and driver denied any negligence on the part of the driver and contended that the vehicle in question was duly insured with the insurance company, thereby seeking dismissal of the claim. The insurance company, in its reply, challenged the maintainability of the claim on the ground that the driver was not in possession of a valid and effective driving licence at the time of the accident. The insurer further alleged contributory negligence on the part of the claimant and denied the contents of the petition, praying for its dismissal.

5. The claimant in her claim case asserted that she was 21 years of age at the time of the accident and a Third Year B.Tech. Student at the National Institute of Technology, Uttarakhand, which is a renowned institution in the Technical Education.



6. On the basis of the rival pleadings, the Tribunal framed five issues and proceeded to record evidence. In support of the claim, the claimant herself appeared as AW-1, produced documentary evidence marked Exhibits 1 to 28. Additionally, Ashwani Kumar, Anjuman Praveen, Shrey Gupta, Shanti Devi, and Hanuman Sahai Meena were examined as AW-2 to AW-6. Notably, no witnesses were got examined by the respondents in rebuttal.

7. Upon consideration of the evidence adduced and submissions made, the Tribunal, by its judgment dated 18.02.2020, adjudicated all issues in favour of the claimant. While holding the respondents jointly and severally liable, the Tribunal proceeded to award compensation under various heads, the aggregate amounting to Rs. 1,49,88,153/-. The computation included:

*** Rs. 97,20,000/- towards loss of income due to permanent disablement, taking the claimant's notional monthly income as Rs. 30,000, applying a multiplier of 18, and adding 50% future prospects;

*** Rs. 35,81,530/- for medical expenses;

*** Rs. 5,00,000/- for future medical treatment;

*** Rs. 21,60,000/- towards attendant charges;

*** Rs. 15,00,000/- for pain, suffering, mental agony, and loss of amenities;

*** Rs. 3,00,000/- towards loss of marriage prospects;

*** Rs. 3,00,000/- for additional future medical treatment;

*** Rs. 50,000/- towards special diet; Rs. 1,00,000/- under miscellaneous heads.

8. Aggrieved by the quantum of compensation awarded, the claimant preferred an appeal seeking enhancement of the amount. Simultaneously, the insurance company filed an appeal challenging the award primarily on the grounds of alleged absence



of a valid driving licence and quantum awarded being excessive and unjustified.

9. Learned Counsel for the appellant Insurance Company has also raised an issue that the Tribunal has committed an error and illegality in awarding the compensation amount in excess to what has been prayed for by the claimant in the claim petition. He submitted that the Tribunal cannot award the compensation beyond the amount prayed in the claim petition. Counsel also submitted that the Learned Tribunal has assessed the claimant's income as ₹30,000 per month without any cogent basis or supporting evidence on record. This assessment is arbitrary and contrary to the well-settled principles laid down by various courts in similar matters. In the absence of documentary proof of income, the Tribunal ought to have assessed the income in accordance with the applicable rates under the Minimum Wages Act, 1984 for a skilled worker.

In support of the aforesaid submissions, counsel has placed reliance upon judgments delivered in the case of **Vishal Gupta v. Director, I.G.F.R.I and ors., 2021 SCC OnLine All 948; and Navjot Singh v. Harpreet Singh and ors., 2020 0 Supreme (SC) 555.**

10. Counsel further submitted that the Tribunal has erroneously awarded compensation under the head of future medical expenses twice. As per Clause (b) of Paragraph 22 of the impugned judgment, a sum of ₹5,00,000 has been awarded, and again under Clause (g), an additional sum of ₹3,00,000 has been awarded for the same head. Counsel also submitted that the



compensation under a particular head can only be granted once and the duplication of this award is liable to be rectified.

11. Counsel further submitted that the compensation of ₹15,00,000 awarded under the head of pain and suffering is excessive, disproportionate to the injuries sustained, and does not commensurate with the established judicial norms. He submitted that the amount of compensation appears to be on the higher side.

12. Counsel further submitted that the compensation awarded under the head of attendant charges is also on the higher side and does not align with the reasonable or actual expenses that may have been incurred by the claimant and thus the award under this head, too, deserves reconsideration. Counsel also submitted that the learned Tribunal has applied an enhancement of 50% of the assessed income towards future prospects. However, as per the settled law laid down by the Hon'ble Supreme Court, the standard enhancement towards future prospects is limited to 40%, especially in cases where the claimant is self-employed or working in the unorganized sector. The deviation from this standard without justification renders the judgment unsustainable to that extent. In light of the above submissions, the Counsel for the appellant Insurance Company submitted that the impugned award be modified accordingly in the interest of justice.

13. Learned counsel for the claimant-appellant has fervently urged this Court to enhance the compensation awarded by the learned Tribunal, contending that the computation under several heads is grossly inadequate and fails to do complete



justice in light of the grievous injuries and permanent disability suffered by the claimant. The counsel submitted that the assessment of income, as determined at ₹30,000 per month, is on the lower side and does not commensurate with the qualifications and future employment prospects of the claimant. Learned Counsel has placed reliance upon documentary evidence filed along with the application under Order XLI Rule 27 of the Code of Civil Procedure, 1908, which includes employment offers and packages secured by similarly situated individuals, who were classmates of the claimant during her engineering course. It has been pointed out that:

*** AW-3, Ms. Anjum, a classmate of the claimant, has been employed by L&T Infotech with an annual package of ₹5,00,000; *

*** Another classmate, Mr. Shrey Gupta, has received an annual package of ₹6,00,000;

*** In general, other students from the same cohort have secured employment packages ranging from ₹5 to ₹6 lakhs per annum.

14. Counsel further submitted that the Rajasthan Public Service Commission (RPSC) had issued an advertisement for recruitment to the post of Junior Engineer, wherein the pay matrix level is stated to be Level-10 (₹56,100 per month). These facts, according to learned counsel, clearly establish that the income assessed by the Tribunal at ₹30,000 per month is not only unrealistic but also grossly underestimates the actual earning potential of the claimant, had the accident not occurred. The counsel thus submitted that the assessed income be suitably enhanced to reflect these realities.



15. With regard to the compensation awarded under the head of future medical treatment, the counsel submitted that the Tribunal has rightly awarded amounts under two sub-heads, taking into consideration the ongoing and distinct medical needs of the claimant. The first component accounts for the regular physiotherapy sessions required due to the nature of the disability, and the second pertains to the daily medical procedures and assistance necessary for the claimant's continued well-being, thus these heads are separate in nature and warrant separate awards, which has been rightly done by the Tribunal. The counsel further submitted that on the issue of attendant charges, the compensation awarded is wholly inadequate. The learned Tribunal has calculated the same based on daily wages, which correspond to a standard 8-hour workday. However, in the case of the claimant, who is suffering from a severe and permanent disability, the need for a full-time (24-hours) attendant is undisputed, therefore he submitted that the computation ought to have taken into account the requirement of round-the-clock care and must be revised accordingly.

16. The Counsel further submitted that under the head of pain and suffering, only a sum of ₹15,00,000 has been awarded, which is not just and fair in light of the grievous and lifelong disability suffered by the claimant.

In support of his submissions, learned Counsel has referred to the judgment rendered by this Court in the case of **Ghanshyam v. Amar Singh and ors., 2025:RJ-JP:20178**, wherein ₹25,00,000 was awarded under the same head in a case involving 100% disability due to amputation of both lower limbs.



He submitted that the present case being of a similar nature, warrants a comparable, if not higher, compensation.

Counsel further submitted that a meager sum of Rs. 3,00,000/- has been awarded under the head of loss of marriage prospects, which, given the irreversible physical and emotional consequences faced by the claimant, is neither fair nor adequate. The claimant, being a young woman with bright career prospects prior to the accident, has suffered a substantial diminution in her prospects of leading a normal marital and social life. He thus submitted that, accordingly, a higher sum is justifiable and may be awarded under this head.

Counsel lastly submitted that in light of the overall facts and circumstances of the case and in the interest of justice, the Court is empowered to award compensation in excess of the amount originally claimed in the petition. In this regard, reliance is placed on the decision of the Hon'ble Supreme Court in the case of **SLP(C) No. 29207 of 2018**]. In view of the foregoing submissions, learned counsel prays that the compensation awarded by the learned Tribunal be suitably enhanced under the relevant heads, so as to ensure fair and just recompense to the claimant for the injuries and losses suffered by her.

17. At the very outset, this Court deems it appropriate to address the legal issue raised by the learned counsel for the Insurance Company concerning the quantum of compensation awarded by the learned Tribunal, which, according to the counsel, exceeds the amount originally claimed by the claimant.

In this regard, it is pertinent to refer to the authoritative pronouncement of the Hon'ble Supreme Court in the



cases of ***Mona Baghel and Others v. Sajjan Singh Yadav and Others [Civil Appeal No. of 2022 arising out of SLP(C) No. 29207 of 2018]***, reported in 2022 LiveLaw (SC) 734, wherein the judgment was rendered on 30th August 2022. In the said decision, the Apex Court, while relying upon its earlier judgment in ***Ramla and Others v. National Insurance Company Limited and Others [(2019) 2 SCC 192]***, categorically held that there is no legal impediment preventing the Court from awarding compensation exceeding the amount claimed by the petitioners. The Hon'ble Court clarified that the duty of the Tribunal and the Courts is to ensure just and fair compensation, in consonance with the principles laid down under the Motor Vehicles Act, and that such entitlement cannot be curtailed merely on the ground that the amount awarded surpasses the sum initially claimed. The relevant para of the Ramla judgment is quoted as under:

"5. Though the claimants had claimed a total compensation of Rs 25,00,000 in their claim petition filed before the Tribunal, we feel that the compensation which the claimants are entitled to is higher than the same as mentioned supra. There is no restriction that the Court cannot award compensation exceeding the claimed amount, since the function of the Tribunal or court under Section 168 of the Motor Vehicles Act, 1988 is to award "just compensation". The Motor Vehicles Act is a beneficial and welfare legislation. A "just compensation" is one which is reasonable on the basis of evidence produced on record. It cannot be said to have become time-barred. Further, there is no need for a new cause of action to claim an enhanced amount. The courts are duty-bound to award just compensation. [See the judgments of this Court in (a) Nagappa v. Gurudayal Singh [Nagappa v. Gurudayal Singh, (2003) 2 SCC 274 : 2003 SCC (Cri) 523] , (b) Magma General Insurance Co. Ltd. v. Nanu Ram [Magma General Insurance Co. Ltd. v. Nanu Ram, (2018) 18 SCC 130] , (c) Ibrahim v. Raju [Ibrahim v. Raju, (2011) 10 SCC 634 : (2012) 3 SCC (Civ) 1053 : (2012) 1 SCC (Cri) 120]]."





18. In light of the above binding precedent, the objection raised by the Insurance Company with respect to the compensation exceeding the claimed amount is untenable and liable to be rejected. Accordingly, this Court finds no merit in the said contention.

19. Before deciding the issue of quantum of compensation under various heads to be awarded to the claimant in view of the submissions made by the counsels for the parties this court would like to point out the issues and considerations to be met by this Court or Tribunal while computing the amount of compensation under various heads in a case of motor accident claim.

20. A single moment can change the course of an entire life. For a 21-year-old girl pursuing an engineering degree, a motor vehicle accident that causes 100% disability of the lower body is not merely a medical condition—it is a life-altering event that affects her physically, emotionally, socially, and economically. The trauma of such an accident, particularly at such a formative stage of life, demands not only recognition but adequate and enhanced compensation. This compensation is not charity—it is a rightful acknowledgment of the permanent damages inflicted on her ability to live a full, independent, and dignified life.

21. Before the accident, the young woman was a promising student on the brink of launching a professional career. She had aspirations, likely including employment in the engineering sector, further studies, or entrepreneurship. The accident brutally interrupted her journey.

22. With 100% lower-body disability, she is now paralyzed below the waist. Her body no longer responds in ways it used to,



which results not just in physical limitation but also emotional trauma. The loss of autonomy can create a profound sense of grief and helplessness, especially for someone who was previously independent.

23. This irreversible change necessitates a re-evaluation of her entire future. The dreams she once harbored—building a career, living independently, traveling, even forming relationships or starting a family—are now constrained by disability.

24. When that accident results in a 21-year-old girl becoming completely paralyzed below the waist, the impact extends far beyond physical injury. At an age when most young adults are discovering their independence, pursuing education, building relationships, and imagining a future filled with opportunities, such a life-altering injury not only impairs the body but deeply affects the psyche, emotions, social identity, and the very structure of the victim's family life.

25. At 21, a girl is typically at the threshold of adulthood. She is learning to make decisions for herself, managing her studies, engaging socially, and beginning to envision a career and a life of independence. A catastrophic accident that leaves her paralyzed below the waist abruptly halts this momentum. Her newfound physical limitations mean she may now be dependent on a wheelchair and require assistance for activities of daily living—such as bathing, dressing, and using the toilet. This constant dependence can severely affect her sense of self-worth and autonomy. The freedom she once took for granted is now a luxury. Public infrastructure in many regions remains inaccessible for



persons with disabilities, making even simple outings or travel difficult and often humiliating.

26. Psychologically, this dramatic shift can lead to feelings of helplessness, frustration, anxiety, and depression. The isolation that comes with immobility, combined with the constant awareness of how different life has become, often results in a loss of confidence and motivation. The fear of being seen as a burden—to herself or others—can become emotionally overwhelming.

27. In Indian society, romantic relationships and marriage are often influenced by traditional ideas of physical wellness, beauty, and social perceptions. A 21-year-old girl with full mobility and education would ordinarily be considered to have favorable marital prospects. However, after such a debilitating injury, her chances of finding a romantic partner or entering into marriage may drastically diminish—not because of her worth as a person, but because of deeply rooted societal biases.

28. There is often a social stigma attached to disability. People may assume that a paralyzed individual is incapable of being a romantic partner, of managing a household, or of bearing and raising children—even though these assumptions are frequently incorrect. Many potential partners or their families may reject her not because of who she is, but because of what they perceive her physical condition to mean. These attitudes severely limit her opportunity to experience romantic companionship or marriage, despite her emotional and intellectual capacities remaining intact.

29. Even if she does find someone who loves and accepts her, she may hesitate to enter into a relationship due to internal



fears—fear of rejection, fear of being seen as a burden, or fear of not being able to meet traditional expectations of a partner or spouse. She might question her own desirability, despite deserving love as much as any other person.

30. Moreover, physical intimacy, an important part of romantic relationships, may be affected due to paralysis. This, too, may discourage potential partners, especially in societies where open conversations around disability and sexuality are still taboo. Consequently, the emotional toll of possibly being deprived of romantic companionship or family life can be devastating. The family of a young girl who becomes paralyzed faces immense challenges—both emotional and financial. Initially, there is the trauma of the accident itself. Parents, siblings, and close relatives must come to terms with the fact that a healthy, active young girl has now become permanently disabled. This realization is often accompanied by grief, guilt, and helplessness.

31. Emotionally, families experience a long grieving process—not just for what has happened, but for what has been lost: her dreams, her career, her social life, and perhaps her marriage and motherhood. Parents often carry the emotional burden of believing they should have somehow protected their child. Watching her struggle with depression, frustration, and isolation takes a deep toll on their mental health.

32. The 100% lower-body paralysis of a 21-year-old girl due to a motor accident is not just an injury—it is a deep, enduring rupture in the fabric of her life. It affects her sense of identity, her independence, and her confidence. It places barriers



on her path to love, companionship, and family life, and creates a heavy burden for those who love and support her.

33. The physical paralysis is only part of the pain. The emotional, social, and psychological consequences are just as significant—and often more difficult to heal. Any support or compensation she receives must acknowledge not just the cost of medical care, but the loss of opportunities, dignity, and dreams.

34. Enhanced support, whether from the legal system or society at large, is not a favor—it is a necessary step toward justice, inclusion, and human dignity.

35. The psychological burden of a traumatic injury, particularly one as severe as paraplegia, cannot be overstated. The shock, pain, and subsequent adaptation to a new way of living often bring about long-term emotional consequences, including depression, anxiety, social withdrawal, and a sense of isolation.

36. At the age of 21, when most of her peers are exploring life, relationships, and careers, she may find herself facing exclusion. Social stigma surrounding disability still exists. She might be pitied, treated as fragile, or completely left out of social events and opportunities. The emotional toll of being "different" and the constant comparison with her former self and able-bodied peers is deeply scarring.

37. Psychological therapy, counseling, and emotional support become lifelong needs—another facet that compensation must account for.

38. In cases of grievous and permanent disability, such as 100% paralysis of the lower body, the courts must adopt a comprehensive approach to determine just compensation. This



approach must include not only medical and financial implications but also the irreversible disruption of personal autonomy, educational potential, professional aspirations, and social well-being.

39. Section 168 of the Motor Vehicles Act mandates that the Tribunal shall determine "just compensation" for victims of motor accidents. The Supreme Court of India has consistently interpreted this provision in a broad, liberal manner in favor of victims (***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***). "Just compensation" does not imply a merely mathematical calculation of hospital bills or loss of income; it includes a holistic evaluation of pain, suffering, loss of amenities, future medical needs, and the impact on life trajectory. As noted in ***Erudhaya Priya v. State Express Transport Corporation Ltd. (2020) 10 SCC 486***, the Court emphasized that when a young girl suffers 100% permanent disability, the compensation must reflect her loss of future prospects, marriageability, and independent life.

40. In light of the above observation and taking into consideration the relevant case laws the issue as regards the quantum of compensation under various heads is being assessed by the court as under.

I. LOSS OF FUTURE EARNINGS AND PROFESSIONAL POTENTIAL:

At the time of the accident, the victim was a 21-year-old engineering student, meaning she was on the threshold of launching her professional career. Engineering is a profession that often requires physical mobility, on-site work, and long hours—all



of which are compromised or rendered impossible by lower-body paralysis.

Applying the principles from ***K. Suresh v. New India Assurance Co. Ltd., (2012) 12 SCC 274***, the loss of earning capacity must be assessed not merely on current income (which may be zero or minimal for a student), but on the reasonable expectation of future income. In the present case, a qualified engineer could expect to earn Rs. 5–12 lakhs per annum within 2–3 years of graduation. The Court must also consider that due to the disability, the victim's choice of jobs is severely limited, possibly confined to sedentary roles that do not match her field of training. This amounts to a "loss of livelihood in chosen field", a recognized head of compensation as per ***Malay Kumar Ganguly v. Dr. Sukumar Mukherjee, (2009) 9 SCC 221***. The counsel for the Insurance Company has referred to certain judgments of the Courts wherein it has been observed that the income of the claimant/injured having skill is required to be assessed at least in accordance with the minimum wages applicable at the relevant time. The case so referred to by the counsel is quoted as under:-

"7. Be that as it may, a student, who was near completion of engineering degree was mature enough to earn at least for his own bare sustenance. He would be, at least, entitled to be treated at par with a skilled workman with reference to the provisions contained in the Minimum Wages Act and the Payment of Wages Act...."

As can be observed the peculiar word used is 'at least', it has been stated that the income of a skilled claimant ought to be assessed at least in accordance with the minimum wages applicable at the relevant time. It is important, however, to draw



attention to the deliberate and significant use of the expression “at least”. This term clearly indicates a lower threshold, not a fixed or maximum limit. The phrase “at least” implies that minimum wages represent the baseline or starting point for the assessment of income in cases involving skilled individuals or those nearing completion of a professional qualification, such as engineering. It does not suggest that compensation must be restricted to this figure alone. On the contrary, the use of this terminology leaves room—indeed, opens the door—for the Court to consider awarding compensation based on a higher notional income, depending on the facts and circumstances of each case, including the potential and qualifications of the claimant. Therefore, the proposition advanced by the Insurance Company cannot be accepted as a rigid rule, as it ignores the judicial intent that minimum wages are only the minimum benchmark—not the ceiling—for assessing fair and just compensation based on evidence.

Furthermore, in the present case, the claimant-appellant has filed an application under Order XLI Rule 27 of the Code of Civil Procedure, placing on record additional documents pertaining to the placement packages received by her classmates. Upon perusal of the said documents, it is evident that the lowest annual package offered to one of her contemporaries amounts to ₹5,00,000 per annum. In view of this documentary evidence, and considering that the claimant-appellant was similarly qualified and placed, it would be reasonable and just to assess her notional annual income at ₹5,00,000, even while adopting a conservative approach. In assessing the notional income of the claimant-appellant, it is only fair, equitable, and in consonance with the



principles of just compensation to adopt this lowest package as the benchmark. This approach ensures that the assessment does not rest on conjecture or inflated estimations but is firmly anchored in tangible and contemporaneous evidence reflecting the realistic earning potential of the claimant-appellant. Choosing the lowest package—as opposed to an average or higher figure—further demonstrates restraint and prudence, thereby ruling out any possibility of exaggeration in the computation. Additionally, in accordance with the law laid down by the Hon'ble Supreme Court with regard to the inclusion of future prospects, it would be appropriate to add 40% (in place of 50% as allowed by the Tribunal) of the annual income towards future prospects, which amounts to ₹2,00,000. Therefore, the total annual income for the purpose of assessing loss of future income would come to ₹7,00,000. Applying the multiplier of 18, as applicable to the age of the claimant-appellant in accordance with the principles laid down in **Sarla Verma v. DTC**, the total compensation under the head of 'Loss of Future Income' comes to ₹1,26,00,000 (i.e., ₹7,00,000 × 18).

II. LOSS OF MARRIAGE PROSPECTS AND SOCIAL OPPORTUNITIES:

Indian society often links a woman's worth to her physical and social functionality, particularly in the context of marriage. A young woman with a disability, especially one so visible and extensive, is likely to face significant stigma in matrimonial prospects.

The emotional weight of knowing that her chances at romantic partnerships or motherhood may be reduced or lost



entirely is a form of emotional trauma in itself. The accident has not only disabled her physically, but it may also deny her social opportunities, companionship, and familial stability.

Courts have, in various judgments, acknowledged this loss. The inability to marry or lead a family life is considered a serious social and emotional loss, and compensation must include it as an independent head. In ***Kumari Renuka v. N.S. Suresh (Karnataka High Court, 2007)***, the court observed that disability may seriously impair the possibility of marriage, and in Indian society, where stigma and stereotypes persist, the social impact is often more severe for women.

The right to marry and form a family is a fundamental human right protected under Article 21 of the Constitution. Denial of such an opportunity, even indirectly due to a third party's negligence, mandates a compensatory remedy. The courts must factor in this intangible but real consequence. The hon'ble Supreme Court in the case of ***Baby Sakshi Greola v. Manzoor Ahmad Simon, 2024 SCC OnLine SC 3692***, while dealing with the enhancement appeal in an accident claim case of a baby girl held that as a result of an accident like this the appellant will also miss out on partaking in activities which they would have normally done, if they had not met with such accidents. Further, the Court also held that in such cases the appellant essentially loses their adulthood. Remarking that marriage/companionship is an integral part of the natural life of a human being, the Court noted that it is near impossible for the appellant to rear children and enjoy the simple pleasures of marital life and companionship.



It is a settled principle that the impact of an injury or loss must be assessed not only in terms of economic damage but also in light of social consequences, particularly where societal attitudes impose additional burdens on the individual. In the present case, the claimant is an unmarried woman. It is a regrettable reality that in many strata of our society, unmarried women are often viewed through a different lens, with heightened vulnerability and social stigma, particularly when they have suffered injuries affecting their future prospects, both matrimonial and otherwise. Taking into account the prevalent societal norms and the disproportionate adversity faced by unmarried women in such situations — including but not limited to diminished marriage prospects, emotional distress, and increased familial pressure — this Court deems it appropriate to enhance the amount from Rs. 3 lakhs and to award the sum of 5,00,000 (Rupees Five Lakhs only) under the head of loss of marriage prospects. This award is granted not merely as compensation for emotional and social hardship but as a recognition of the unique challenges faced by the claimant in navigating a society that often measures a woman's worth through her marital status.

III. PHYSICAL AND EMOTIONAL SUFFERING, LOSS OF AMENITIES, AND LIFE DIGNITY:

Permanent paraplegia brings with it not just medical expenses, but a lifetime of suffering—loss of mobility, privacy, and independence. Everyday tasks such as using the restroom, dressing, or commuting now require assistance. As held in ***Raj Kumar v. Ajay Kumar***, the quantification of compensation must also account for:



- * Permanent pain and discomfort.
- * The need for lifelong personal assistance (caregivers, mobility aids, wheelchairs, physiotherapy).
- * Emotional trauma, depression, anxiety, and social withdrawal.
- * Loss of ability to participate in recreation, sports, or even normal social outings.

These heads fall under "non-pecuniary losses," which must not be minimized. In ***Kavita v. Deepak, (2012) 8 SCC 604***, the Court upheld a substantial award for loss of amenities to a young woman rendered paraplegic, noting that such losses affect the victim's self-esteem and dignity.

While determining just compensation, it is incumbent upon this Court to adopt a comprehensive and humane approach, particularly where the claimant has suffered irreversible and life-altering injuries. The Hon'ble Supreme Court in ****Kajal v. Jagdish Chand*, (2020) 4 SCC 413***, has laid down in unequivocal terms that in cases involving 100% disability — whether mental or physical — the Courts must take a liberal view while awarding compensation. It was specifically observed that compensation is to be granted only once, and hence, the Court must factor in not merely the physical impairment but also the enduring mental trauma, emotional agony, and diminished quality of life resulting from such catastrophic injuries.

The above principle has been echoed and applied by this Court in ***Ghanshyam v. Amar Singh & Ors., S.B. Civil Miscellaneous Appeal No. 1390/2019, decided on 13.05.2025***, wherein this Court awarded ₹25,00,000 (Rupees Twenty-Five Lakhs only) under the head of pain and suffering to a



claimant who had lost both legs in a motor vehicle accident, noting the compounded psychological, emotional, and social suffering endured by the individual as a result of the trauma.

41. In the present case, the claimant, an unmarried woman, has unfortunately suffered total and permanent paralysis. This Court cannot overlook the harrowing reality that such a disability inflicts untold physical hardship and deep psychological scars that persist throughout life. It is not merely the inability to walk or perform daily activities independently that must be compensated, but also the loss of dignity, social isolation, anxiety about the future, and profound emotional anguish that accompany such a condition.

Taking into account the ratio laid down by the Hon'ble Supreme Court in **Kajal (supra)** and this Court's own decision in **Ghanshyam (supra)**, and having regard to the facts and peculiar circumstances of the present case, this Court is of the considered opinion that an amount of ₹25,00,000 (Rupees Twenty-Five Lakhs only) under the head of pain and suffering would be just, fair, and reasonable. Accordingly, the amount under this head is enhanced from Rs.15 lakhs to Rs.25 lakhs. This amount is awarded to acknowledge not only the physical trauma but also the prolonged and continuing mental suffering, and the irreversible impact on the claimant's quality of life and dignity.

IV. COST OF FUTURE MEDICAL CARE AND PERSONAL ASSISTANCE:

Paralysis is not a condition that ends with hospital discharge. It brings a lifetime of dependency on medical equipment, home modifications, caregivers, and frequent



checkups. Under Indian legal precedent, the Tribunal must anticipate the victim's medical expenses not just for immediate recovery, but lifelong care. A paraplegic patient typically requires:

- * A custom wheelchair and other assistive devices.
- * Periodic physiotherapy and rehabilitation sessions.
- * Home adaptations: ramps, accessible bathrooms, special bedding.
- * Regular medication and checkups to prevent complications like pressure sores or infections.
- * A full-time or part-time caregiver to assist with daily tasks.
- * The claimant will certainly require conveyance while going for treatment.

Over an expected life span of 50 more years, this totals over lakhs of money, even conservatively. The compensation must be structured to ensure sustainability and not force the family into debt or dependence. The recurring cost of living with a disability is significant and must be factored into any compensation. The financial burden of this care cannot be placed solely on the shoulders of her family. Hence, the Court deems just and proper and reasonable to allow total Rs.8 lakhs in total under this head.

V. ATTENDANT CHARGES:

In cases where the claimant has suffered complete paralysis from the waist down, the loss is not merely of mobility, but of basic physical autonomy. A person paralyzed below the waist loses control over fundamental bodily functions, including walking, sitting, bathing, toileting, dressing, and in many cases, even the ability to turn in bed without assistance. The consequences of such a condition are not temporary or partial — they are



permanent, life-altering, and demand full-time care, round the clock.

This Court is conscious of the fact that in such a state, the claimant becomes entirely dependent on others for daily living activities. It is not reasonable to expect that family members alone can provide such intensive care consistently over the long term, without physical, emotional, and financial strain. The appointment of a trained, professional attendant — available 24 hours a day — becomes not just desirable but medically and practically essential for the survival, safety, and dignity of the claimant.

The need for a full-time caregiver is further magnified by the risk of secondary medical complications, all of which require close monitoring and preventive care. Additionally, the psychological well-being of the claimant — who must now adjust to a life of total physical dependency — also necessitates the presence of a constant caregiver for emotional support and reassurance.

Thus, the requirement of a 24-hour attendant is not a luxury, but a bare minimum necessity for someone rendered paraplegic due to the accident. It is a medically and humanely indispensable aspect of the claimant's ongoing care and rehabilitation. Accordingly, this Court is of the considered view that the cost for engaging a permanent full-time attendant must be duly factored in while computing compensation under the head of future medical expenses or attendant charges.

This Court is clearly of the view that the basic amount earlier considered by the Tribunal for determining attendant



charges is adequate, especially in light of the claimant's condition. The claimant, a young girl, has unfortunately been rendered permanently bedridden due to the injuries sustained in the accident. She suffers from severe incontinence, which means she lacks control over basic bodily functions such as urination and defecation. As she grows older, she will not be able to manage her menstrual hygiene on her own. The nature of her condition necessitates continuous and comprehensive personal care.

Given the extent of her disability, it is evident that the claimant will require the assistance of an attendant virtually round the clock. While the attendant need not be medically trained, it is imperative that they be capable of handling a child with such extensive needs — someone who is bedridden, incontinent, and at constant risk of developing complications such as bedsores. The attendant would be responsible not only for hygiene and physical support but also for providing basic emotional reassurance and ensuring that the claimant is treated with dignity. Considering inflation and the need for reliable and dedicated care, this Court reasonably assesses the cost of engaging attendants at ₹10,000 per month, owing to the requirement of uninterrupted 24-hour care. Accordingly, the monthly expense towards attendant charges is fixed at ₹10,000, translating to an annual expenditure of ₹1,20,000.

Applying the multiplier method — and considering the claimant's young age and the permanent nature of her disability — the it was appropriate to apply a multiplier of 18. Thus, the total amount awarded under the head of attendant charges assessed by the Tribunal at ₹21,60,000 (Rupees Twenty-One Lakhs Sixty



Thousand only) is just reasonable and does not call for any interference. This figure is intended to comprehensively cover all pecuniary damages relating to the claimant's need for full-time care for the remainder of her life.

Finally, any compensation must reflect constitutional values—especially Article 21 (right to life with dignity), Article 14 (equality before law), and Article 15 (protection against discrimination, including on disability grounds). Denial of adequate compensation amounts to a second injustice—compounding the original wrong with institutional apathy.

In ***National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680***, the Constitution Bench emphasized that compensation must ensure “social justice to the victim.” Enhanced compensation is not charity—it is a legal and moral imperative.

In view of the above reasoning, it is evident that the life of a 21-year-old engineering student has been irreversibly altered due to the accident. The impact is multidimensional—economic, emotional, social, and existential. Applying the principles of restitution in integrum (restoring to original condition as far as money can), coupled with constitutional guarantees and judicial precedents, the Tribunal and appellate courts must award enhanced compensation that reflects the gravity of the loss, ensuring a life of dignity and independence for the victim to the extent possible. The law must not treat such an accident as just a case of personal injury. It must see it for what it truly is: a permanent, devastating change to the life of a young woman. The path she was walking has been shattered—not by fate, but by someone's negligence.



Enhanced compensation is not a windfall; it is a moral and legal necessity. It is an attempt by the justice system to at least partially restore what was taken from her—a future, a body, a chance to live on her own terms. Anything less would be an injustice too great to ignore.

Her accident was not her fault. It was a consequence of someone else's negligence. That negligence has now sentenced her to a life of limitation and hardship. If the justice system fails to acknowledge this suffering with adequate compensation, it adds insult to injury. The law must not merely count the rupees lost, but the dreams denied.

42. In view of the discussion made above, the award for compensation is modified in different heads as under:-

a.	Medical expenses and other expenses during hospitalization	Rs.3,58,153/-
b.	Future medical treatment + conveyance	Rs.8,00,000/-
c.	On the account of loss of earning capacity	Rs.1,26,00,000/-
d.	Attendant charges	Rs.21,60,000/-
e.	Pain, Suffering, Mental Agony and Loss of Amenities	Rs.25,00,000/-
f.	Loss of Marriage Prospects	Rs.5,00,000/-
g.	Special Diet	Rs.50,000/-
h.	Conveyance	Rs.1,00,000/-
	Total	Rs.19068153/-

43. The claimant would be entitled for interest on the enhanced amount as per the terms of the judgment of the learned Tribunal by treating this enhanced amount to be the part of the original award.



44. Apart from the FDRs ordered by the tribunal in Paragraph 26 of its judgment, 50% of the enhanced amount shall also be kept in the form of FDR for a period of 7 years and remaining 50% of the enhanced amount shall be released to the claimant.

45. The interest amount calculated on the enhanced amount shall also be kept in the FDR for a period of 10 years.

46. Both the misc. appeals disposed of, as above.

47. In view of the judgment passed in the main appeals, the stay application and pending application/s, if any, also stand disposed of.

48. Registry is directed to place a copy of this Judgment in the connected case file.

49. Registry is directed to send back the record of the case, if any, to the concerned Tribunal forthwith.

(GANESH RAM MEENA,VJ),J

Sharma NK/Dy. Registrar