2026:DHC:5183

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Reserved on : 26th May 2026*
Pronounced on : 01st July 2026
Uploaded on : 02nd July 2026

\+ **MAC.APP. 297/2022**

UMA RANI THR SPA PANKAJ THAKUR .....Appellant

Through: Ms. Prerna Singh & Ms. Sugandha Agarwal, Advocates.

versus

SIMRANJEET SINGH & ORS. .....Respondents

Through: Mr. Sandeep Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. This appeal has been filed assailing impugned judgment and award dated 13th April 2022 passed by Motor Accidents Claims Tribunal [‘***MACT/Tribunal***’], South-West, Dwarka Courts in MACT No. 1135/2016, seeking enhancement of compensation awarded by the MACT at Rs. 2,06,860/- inclusive of interest at the rate of 9% per annum upto the date of compliance.

The Accident

2. The accident occurred on 2nd October 2012 at about 6:30 am when appellant/*Uma Rani* was sitting at *Dashrathpuri Bus Stand, Palam Road, New Delhi* and her husband, *Sh. Ram Singh* was standing along with others

waiting to go to a *satsang*. A Santro Car bearing registration no. DL-2CW-0634 (hereinafter, '***offending vehicle***') driven by respondent no.1/*Simranjeet Singh* owned by respondent no.2/ *Kamaljit Kaur* hit them. Her husband, *Sh. Ram Singh*, sustained grievous injuries and later succumbed to the said injuries on the same day. On the other hand, appellant/*Uma Rani* sustained serious injuries on her left leg along with other parts of the body.

3. Initially, no Disability Certificate was placed before the MACT, but by order dated 09th January 2015, MACT sought opinion of the Medical Board and thereafter, a Disability Certificate was requisitioned from the office of *Medical Superintendent, Deen Dayal Upadhyay Hospital*, which was provided on 04th February 2015.

4. As per the Disability Certificate, appellant/*Uma Rani,* aged 68 years was '*a case of post-traumatic below knee amputation with operated united fracture shaft of femur left side with 63% permanent physical disability in relation to left lower limb*' and the disability was permanent in nature.

5. Despite the Certificate, disability was not accounted for by the MACT in computing the compensation.

6. Considering that she was a home-maker, her notional income was taken at minimum wages of an unskilled worker at Rs.7,254/- and loss of income of only one month was granted when she was in the hospital.

7. *Ms. Prerna Singh*, counsel for appellant/*Uma Rani*, assails the award on the ground that minimum wages of a skilled worker at Rs.

8,814/- should have been considered while computing *loss of income* and *loss of future earning*.

8. It was submitted that a lump sum amount of Rs.5,000/- was granted towards medical expenses, despite incurring medical expenditure of Rs. 3,59,000/- out of which Rs.3,02,604/- was reimbursed under the Central Government Health Scheme ('***CGHS***').

9. Further, compensation on account of *special diet*, *conveyance*, *pain & suffering* and *mental & physical shock* were also challenged on grounds of being highly inadequate.

10. No amount was awarded towards nursing/attendant charges and cost of artificial limb and maintenance.

11. *Per contra*, counsel for respondents, submitted that appellant/*Uma Rani* was a pensioner and a beneficiary under CGHS, therefore, she had already received reimbursement on account of medical expenses.

12. Further, loss of income claimed on account of medical treatment was disputed on the ground that appellant/*Uma Rani* had been visiting the hospital only for follow ups and therefore, loss of income should not be awarded.

<u>Analysis</u>

13. Appellant/*Uma Devi* was injured in an accident, which occurred on 2nd October 2012 and was 68 years at that time. *Ms. Singh*, counsel for appellant, stated that she is 82 years of age now and her husband had also passed away in the said accident. Components of compensation as

awarded by MACT and what has been claimed in the appeal are tabulated as under:

Heads	Awarded by Ld. Tribunal	Claimed in Appeal
Expenditure on treatment	Rs. 5,000/-	Rs. 56,396/-
Expenditure on conveyance	Rs. 10,000/-	Rs. 25,000/-
Cost of nursing/attendant	NIL	Rs. 10,00,000/-
Expenditure on special diet	Rs. 10,000/-	Rs. 25,000/-
Loss of income	Rs. 7,254/-	Rs. 8814/-x 6 months Rs. 52,884/-
Loss of future earning capacity	NIL	Rs. 3,96,630/-
Cost of artificial limb & maintenance	NIL	Rs. 2,20,000/-
Compensation for mental and physical shock	Rs. 30,000/-	Rs. 1,00,000/-
Pain and suffering	Rs. 50,000/-	Rs. 2,00,000/-
Loss of amenities of life	NIL	Rs. 2,00,000/-
Disfigurement	NIL	Rs. 1,00,000/-
Loss of marriage prospect	NA	NA
Total Compensation	Rs. 1,12,254/-	Rs. 23,75,910/-
Interest Awarded	9%	9%

14. In order to examine these issues, it would be apposite to extract the reasoning given by MACT for awarding compensation, which is extracted as under:

"11. Being injured, petitioner is well within his rights to claim compensation. Now coming to the extent of compensation no medical bills pertaining to the injured are produced on record, hence, in the interest of justice a lumpsum amount of Rs. 5,000/- is granted to the injured for medical expenses. As far as loss of income is concerned, though, petitioner is a housewife, yet being grievously injured she has been granted one month loss of income which is equal to minimum wages of unskilled at the time of accident that was Rs. 7,254/-. Seeing nature of injuries suffered by her, petitioner is granted a sum of Rs. 10,000/- for special diets and Rs. 10,000/- for conveyance, Rs. 50,000- for pain and suffering and Rs. 30,000/- for mental and physical shock, making a total of Rs. 1,12,254/-, detail of which is given as under:-

Medical Expenses	*Rs. 5,000/-*
Special Diet	*Rs. 10,000/-*
Conveyance	*Rs. 10,000/-*
Pain and suffering	*Rs. 50,000/-*
Mental and physical shock	*Rs. 30,000/-*
Loss of Income	*Rs. 7,254/-*
Total Compensation	*Rs. 1,12,254/-*

12. Now coming to the aspect of liability. It has already been held herein above that the petitioner had suffered injuries due to rash and negligent driving of respondent no. 1 and as respondents were not able to impeach the evidence of petitioner and the offending vehicle was not insured the respondents are jointly and severally liable to pay compensation to petitioner.

(emphasis added)

15. A plea had been made that supporting documents in relation to compensation awarded be considered by the Court itself. *Vide* order dated

24th February 2026, Court directed Joint Registrar (Judicial) to assess the documents produced, after hearing both the sides on relevance of the documents.

16. Consequently, matter was listed before the Joint Registrar (Judicial), before whom supporting documents with respect to various aspects of compensation being sought for enhancement were considered and by order dated 09th April 2026, the Joint Registrar (Judicial) recorded her observations, as under:

16.1. ***Firstly***, with respect to *expenditure on treatment*, Joint Registrar (Judicial) noted that no document has been exhibited and the documents which were placed on record were photocopies. Considering that appellant/*Uma Rani* was a beneficiary of CGHS, original bills for reimbursement were submitted and could not be traced. It was further noted by Joint Registrar (Judicial) that the claim remained '*not proved*', since no witnesses had been summoned to prove that appellant/*Uma Rani* had incurred expenses of Rs. 56,396/-.

16.2. ***Secondly***, with respect to *expenditure on conveyance*, no evidence was placed on record or produced before the Joint Registrar (Judicial), therefore, it was noted that it was not possible to know how many times appellant/*Uma Rani* had visited the doctor and the issue was therefore left to the discretion of this Court.

16.3. ***Thirdly***, with respect to cost of *artificial limb*, despite that appellant's left foot had been amputated, no witness had been examined before this Court or before MACT. In the absence of that evidence, it was left to the discretion of this Court to determine the costs of artificial limb and/or its maintenance.

16.4. ***Fourthly***, with respect to cost of nursing attendant, special diet, loss of income and loss of future earning capacity, nothing had been placed on record before this Court.

16.5. ***Fifthly***, with respect to compensation awarded towards mental and physical shock, pain and suffering, loss of amenities and disfigurement, yet again, discretion has been left to the Court.

17. After appreciation of the submissions made by counsels for the parties, as also the findings of Joint Registrar (Judicial) with respect to the documentation, Court is of the view that, considering that expenditure on treatment and expenditure on conveyance was not proved even on the basis of any documentation, it would be the discretion of Court to award certain amounts, if any, considering the nature of treatment that she had undergone.

18. Moreover, with respect to the cost of artificial limb, since no witness had been examined, there is no evidence in support, yet again this aspect has been left to the discretion of Court. Therefore, it would be apposite for the Court to consider her disability and the nature of the treatment that she underwent in order to put these claims in context.

19. According to the Disability Certificate, appellant's disability was certified as 63% permanent physical disability in relation to left lower limb and admittedly, a case of amputation. In that view of the matter, compensation awarded by MACT is highly inadequate, particularly on the

following counts, discussed below.

<u>Pecuniary Losses</u>

20. Considering that she was a home maker, minimum wages of an unskilled worker were taken at Rs.7,254/-. However, loss of income was only granted for 1 month, which is not commensurate with the treatment that she underwent.

21. It has been stated by *Ms. Singh*, counsel for appellant/*Uma Rani*, that she had to undergo *knee prosthesis* procedure which costed her around Rs.2,20,000/- in the year 2013. On this basis, she referred to the discharge summary issued by *Jai Prakash Narayan Apex Trauma Centre* (*AIIMS)* dated 01st January 2013, which notes that the accident occurred on 02nd October 2012. She was admitted on 17th October 2012 and underwent amputation surgery and further, subsequent procedures continued till January 2013.

22. Therefore, this Court is inclined to accept the contention and claim made by appellant/*Uma Rani* and award the amounts claimed towards *expenditure on treatment* and *expenditure on conveyance*.

23. Considering that no evidence was led with regard to *expenditure of special diet* and *nursing/attendant charges*, this Court is not inclined to enhance compensation on those counts.

<u>Notional Income of a homemaker</u>

24. As regards the issue whether for a homemaker, minimum wages of an unskilled worker or a skilled worker ought to be considered, *Ms. Singh*, counsel for appellant/*Uma Rani* placed reliance on the decision of a Three-Judge Bench of the Supreme Court in ***Kirti & Ors. v. Oriental Insurance***

Co. Ltd. (2021) 2 SCC 166, where the issue concerned a claim filed by three surviving defendants (*two minor daughters and father*) of the deceased couple.

25. While awarding compensation, High Court adopted the lowest minimum wage applicable for unskilled workers in Haryana, instead of Delhi. Given a totality of circumstances and considering the contribution of a housewife to the household, 25% additional gratuitous income was added to her income.

26. *Justice N.V. Ramana, J.* (*as he then was*) in ***Kirti*** (*supra*) gave a supplemental opinion with respect to the notional income of a housewife. The Court noted that the case belonged to a category where income of a non-earning victim, such as a child, student or a homemaker had to be considered. Supreme Court noted that various factors must be taken into account, for example, family background, quality of life, educational qualifications etc.

27. Reliance was placed on a previous decision of the Supreme Court in ***Lata Wadhwa v. State of Bihar*** (2001) 8 SCC 197, which had considered the value of services rendered by housewives in managing the family to be around Rs.3,000/- per month, in the absence of any data.

28. Further reliance was placed on the decision of Supreme Court in ***Arun Kumar Agrawal v. National Insurance Company Ltd.*** (2010) 9 SCC 218, where the Supreme Court stated that it is not possible to quantify any particular amount considering that a wife/mother does not work by the clock, but some pecuniary estimate has to be made. The Court noted that this decision had been followed in ***Rajendra Singh & Ors. v. National***

Insurance Company Ltd. SLP (C) No. 13964/2018, where notional income of deceased housewife was considered at Rs. 5,000/- per month.

29. The Court then went on to make certain observations, which are extracted as under:

> *"**25.** The sheer amount of time and effort that is dedicated to household work by individuals, who are more likely to be women than men, is not surprising when one considers the plethora of activities a housemaker undertakes. A housemaker often prepares food for the entire family, manages the procurement of groceries and other household shopping needs, cleans and manages the house and its surroundings, undertakes decoration, repairs and maintenance work, looks after the needs of the children and any aged member of the household, manages budgets and so much more. In rural households, they often also assist in the sowing, harvesting and transplanting activities in the field, apart from tending cattle [see Arun Kumar Agrawal [Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218 : (2010) 3 SCC (Civ) 664 : (2010) 3 SCC (Cri) 1313] ; National Insurance Co. Ltd. v. Deepika [National Insurance Co. Ltd. v. Deepika, 2009 SCC OnLine Mad 828]. However, despite all the above, the conception that housemakers do not "work" or that they do not add economic value to the household is a problematic idea that has persisted for many years and must be overcome.*
>
> *………*
>
> ***30.** The issue of fixing notional income for a homemaker, therefore, serves extremely important functions. It is a recognition of the multitude of women who are engaged in this activity, whether by choice or as a result of social/cultural norms. It signals to society at large that the law and the courts of the land believe in the value of the labour, services and sacrifices of homemakers. It is an acceptance of the idea that these*

activities contribute in a very real way to the economic condition of the family, and the economy of the nation, regardless of the fact that it may have been traditionally excluded from economic analyses. It is a reflection of changing attitudes and mindsets and of our international law obligations. And, most importantly, it is a step towards the constitutional vision of social equality and ensuring dignity of life to all individuals.

***31.** Returning to the question of how such notional income of a homemaker is to be calculated, there can be no fixed approach. It is to be understood that in such cases the attempt by the court is to fix an approximate economic value for all the work that a homemaker does, impossible though that task may be. Courts must keep in mind the idea of awarding just compensation in such cases, looking to the facts and circumstances. [See R.K. Malik v. Kiran Pal [See R.K. Malik v. Kiran Pal, (2009) 14 SCC 1, para 9 : (2009) 5 SCC (Civ) 265 : (2010) 1 SCC (Cri) 1265] .]*

***32.** One method of computing the notional income of a homemaker is by using the formula provided in the Second Schedule to the Motor Vehicles Act, 1988, which has now been omitted by the Motor Vehicles (Amendment) Act, 2019. The Second Schedule provided that the income of a spouse could be calculated as one-third of the income of the earning surviving spouse. This was the method ultimately adopted by the Court in Arun Kumar Agrawal [Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218 : (2010) 3 SCC (Civ) 664 : (2010) 3 SCC (Cri) 1313] . However, rationale behind fixing the ratio as one-third is not very clear. [See Arun Kumar Agrawal [Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218 : (2010) 3 SCC (Civ) 664 : (2010) 3 SCC (Cri) 1313]"*

(emphasis added)

30. The Court also noted decision of the Division Bench of Madras High Court in ***National Insurance Company Ltd. v. Deepika*** 2009 SCC OnLine Mad 828, where the Court held as under:

> *"10. The Second Schedule to the Motor Vehicles Act gives a value to the compensation payable in respect of those who had no income prior to the accident and for a spouse, it says that one-third of the income of the earning surviving spouse should be the value. Exploration on the internet shows that there have been efforts to understand the value of a homemaker's unpaid labour by different methods. One is, the opportunity cost which evaluates her wages by assessing what she would have earned had she not remained at home viz. the opportunity lost. The second is, the partnership method which assumes that a marriage is an equal economic partnership and in this method, the homemaker's salary is valued at half her husband's salary. Yet another method is to evaluate homemaking by determining how much it would cost to replace the homemaker with paid workers. This is called the replacement method."*
>
> (emphasis added)

31. Thereafter, certain observations were made by the Court which are extracted as under:

> *"**34.** However, it must be remembered that all the above methods are merely suggestions. There can be no exact calculation or formula that can magically ascertain the true value provided by an individual gratuitously for those that they are near and dear to. The attempt of the court in such matters should therefore be towards determining, in the best manner possible, the truest approximation of the value added by a homemaker for the purpose of granting monetary compensation.*
> ***35.** Whichever method a court ultimately chooses to value the activities of a homemaker, would ultimately*

depend on the facts and circumstances of the case. The court needs to keep in mind its duty to award just compensation, neither assessing the same conservatively, nor so liberally as to make it a bounty to claimants [National Insurance Co. Ltd. v. Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] ; Kajal v. Jagdish Chand [Kajal v. Jagdish Chand, (2020) 4 SCC 413 : (2020) 3 SCC (Civ) 27 : (2020) 2 SCC (Cri) 577].”

(emphasis added)

32. Further, on the issue of applying future prospects, the Court held as under:

*“**40.** When it comes to the second category of cases, relating to notional income for non-earning victims, it is my opinion that the above principle applies with equal vigour, particularly with respect to homemakers. Once notional income is determined, the effects of inflation would equally apply. Further, no one would ever say that the improvements in skills that come with experience do not take place in the domain of work within the household. It is worth noting that, although not extensively discussed, this Court has been granting future prospects even in cases pertaining to notional income, as has been highlighted by my learned Brother, Surya Kant, J., in his opinion (Hem Raj v. Oriental Insurance Co. Ltd. [Hem Raj v. Oriental Insurance Co. Ltd., (2018) 15 SCC 654 : (2019) 1 SCC (Civ) 293 : (2019) 2 SCC (Cri) 864] ; Sunita Tokas v. New India Insurance Co. Ltd. [Sunita Tokas v. New India Insurance Co. Ltd., (2019) 20 SCC 688 : (2020) 4 SCC (Cri) 436].”*

(emphasis added)

33. Lastly, the Supreme Court culled out the observations and summarized them as under:

> *"**41.** Therefore, on the basis of the above, certain general observations can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarised as follows:*
>
> ***41.1.** Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.*
>
> ***41.2.** Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes. It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.*
>
> ***41.3.** Various methods can be employed by the court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.*
>
> ***41.4.** The court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.*
>
> ***41.5.** The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation."*
>
> (emphasis added)

34. Reliance may also be placed upon a decision by the Coordinate Bench of this Court in ***Oriental Insurance Co. Ltd. v. Dalbir Singh*** 2025:DHC:917, where this Court was considering the issue of notional income of a deceased housewife, who was rendering gratuitous service to the family. The Court traversed through various decisions *inter alia* ***Lata Wadhwa*** (*supra*), ***Arun Kumar Agrawal*** (*supra*), ***Kirti*** (*supra*), ***Rajendra Singh*** (*supra*) and the decision in ***Arvind Kumar Pandey & Ors. v. Girish Pandey***, Civil Appeal No. 2515/2024 decided on 16th February 2024, which noted that "*direct or indirect income of a homemaker cannot be less than the prevailing minimum wages of the State at the time of the accident*".

35. The Court, therefore, held that there was extensive contribution of the deceased in the household and with there being no evidence, regarding educational qualifications, minimum wages of a skilled worker were taken and future prospects were applied.

36. Reliance may also be placed upon decision of a Coordinate Bench of this Court in ***Royal Sundaram Alliance Insurance Co. Ltd. v. Master Manmeet Singh*** 2012:DHC:615 where the Court was ascertaining the value of services rendered by a homemaker to calculate loss of dependency. Reliance was placed upon decisions in ***Arun Kumar Agrawal*** (*supra*), ***Deepika*** (*supra*), ***Lata Wadhwa*** (*supra*) and noted as under:

> *"23. Thus, the value of services rendered by a home maker should be taken as the minimum salary of a non-matriculate, matriculate or a Graduate, (in the absence of any evidence to the contrary). In case of a young mother and a wife there should be an addition of 25% of the minimum salary/wages as per the educational*

> *qualification i.e. Graduate, matriculate or non matriculate. There should be addition of 15% in the case of a middle aged mother and a wife and 'NIL' in case of a wife and a mother beyond the age of 50 years as the children become independent by that time. The value of gratuitous services rendered should be gradually reduced after the age of 55 years, even though mothers take care of their children (irrespective of their ages) and even when they (the children) are married.*
>
> *……*
>
> *34. (v) When the deceased home maker is above 55 years but less than 60 years; there will be deduction of 25%; and when the deceased home maker is above 60 years there will be deduction of 50% in the assumed income as the services rendered decrease substantially. <u>Normally, the value of gratuitous services rendered will be NIL (unless there is evidence to the contrary) when the home maker is above 65 years</u>."*
>
> (emphasis added)

37. While, domestic unpaid work performed by housewives has not been defined, United Nations ('***UN***') Women defines unpaid care work as, "*daily labour that keeps households, families, and communities running – work that is mostly done by women and girls without pay. It includes raising children, caring for older or sick relatives, and supporting a person with disabilities, as well as cleaning, cooking, washing and collecting water or fuel. It also includes organizing schedules and anticipating household or community needs – often called the "mental load", unpaid care work is the invisible force that holds households and communities together.*"

38. The International Labour Organization ('***ILO***'), ILOSTAT, noted that, if unpaid domestic and care work is given an equivalent monetary

value, it would exceed 40% of GDP in some countries. In a report titled, '*Participation of Women in Specified Activities along with Domestic Duties*' published in September 2014 by National Sample Survey Office, Ministry of Statistics and Programme Implementation, females engaged in domestic work as a primary status were categorized in *codes 92 (attended domestic duties only)* and *93 (attended domestic duties and were also engaged in free collection of goods, sewing, tailoring, weaving, etc. for household use)*, thereby, rendering them as not forming a part of the labour force.

39. Another staggering statistic which points out the difficulty in estimating the pecuniary nature of the work performed by women while engaging in unpaid labour was noted in a Policy Brief published in Indian Council for Research on International Economic Relations ('***ICRIER***'), titled, "*The Care Economy: A Case for Expanding the Role of the Private Sector*," by *Shabana Mitra* & *Anjhana Ramesh* in 2025, which noted as under:

> *"In India, women's unpaid labour amounts to a staggering 22.7 lakh crore rupees (Rural: Rs 14.7 lakh crore and Urban: Rs 8.0 lakh crore). This is about 7.5% of India's GDP. If the time spent on unpaid care work across the world was valued based on an hourly minimum wage, it would amount to 9% of global the GDP, which corresponds to USD 11 trillion…"*
>
> (emphasis added)

40. In view of the above discussion, this Court is conscious that domestic work performed by a housewife goes unrecognized in terms of monetizing or calculating her income. While there is no straitjacket

formula, Courts have emphasized the need for assessing the position held by a housewife in her family and the duties performed by her in order to assess the loss suffered by the family. Courts must exercise a balance while taking into account the unsaid roles performed by her, without deviating from the principles of *just compensation* prescribed in the Motor Vehicles Act, 1988 (‘***MV Act***’).

41. The discussion on calculating notional income of a homemaker and the contribution made by her in the household has recently been recognized by the Supreme Court in its decision in ***Shishu Pal v. Surjeet,*** 2026 SCC OnLine SC 1114, rendered on 11th June 2026 (after the present matter had been finally heard and reserved for judgment), the Supreme Court considered additional compensation to be granted in cases involving the death of a homemaker. The issue before the Court was regarding quantification/monetization of a homemaker’s contribution to her family, in particular, and therefore, to the nation, at large. The Supreme Court rendered a detailed opinion on inadequacy in assessing the contribution of a homemaker and its translation into compensation for the claimants. Relevant observations of the Court are extracted as under for ease of reference:

> “***16.*** *That being said, even when it comes to computation for damages under non-pecuniary heads, the loss still does require the recognition of such heads before compensation can be awarded. The first of them being the loss of the homemaker's dexterous ability to manage all the chores of the household. Granted, that in the increasingly modern urban centres of the country it may not be the case that a homemaker stands in front of the gas stove bright and early in the morning or late at night*

or even that she walks around, slouched, running the broom throughout the house, but, the fact of the matter is that in smaller cities, towns and villages, even today, such tasks assumedly and invariably fall on the homemaker, without as much as a second thought. The second head pertain to the children of the house. They have lost their mother, the source of never-ending love, comfort and affection, the person who they could run to with all their problems, questions and concerns and heartbreaks. She is also their first point of contact with the ways of the world, silently and subtly teaching them skills of survival, perseverance and excellence shaping them into well rounded human beings capable of being functioning contributors to the economy of the nation. This, in our view, is somewhat different from emotional support or dependence for primary skills necessary for everyday functioning that are imbibed by the children from their mother. This has a distinctly economic angle while also being partly an emotional aspect perfectly fitting into the non-categorizable roles played by homemaker. How does one calculate this? The third is equally troubling. A husband has, no longer, the support of his life partner, someone he depends on entirely to run smoothly, an entire part of his life, his home, family, children, relatives. Even in conservative settings where patriarchy looms large, the sense of dependency that obtains, if taken away, greatly challenges the man for he is now directionless and suddenly responsible for a lot more than he is used to. When the efforts of the homemaker towards the husband and children are taken on the whole it cannot be disputed that although her labour be at emotional or physical is within the four walls of the home, its impact is much wider. In enabling the direct contribution today of their husbands and tomorrow of their children, they are the building blocks for the nation's road to holistic progress. [See: Kalukutty v. P.M. John, Bhuvaneswari v. Mani] We may also observe that *in a recent order of this Court in Arvind Kumar Pandey v. Girish Pandey, also made similar observations to the following effect:*

> *"**7.** It goes without saying that the role of a homemaker is as important as that of a family member whose income is tangible as a source of livelihood for the family. The activities performed by a homemaker, if counted one by one, there will hardly be any doubt that the contribution of a homemaker is of a high order and invaluable. In fact, it is difficult to assess such a contribution in monetary terms."*

Any computation made as a result of injury suffered or death, should be aware of this larger role and not be myopic in its view.

The loss of a homemaker however is not limited to husband and children. It also directly impacts the women's own parents who have been deprived of the love and company of their child, who have lost the support and comfort of this person and are left alone with this boundless grief. Still further, the loss is acutely felt by her in-laws who are more often than not members of the same household and therefore are dependent on the love, labour and dedication of this person, for food for medicines and doctor's visit or for even the regular company over a morning tea. Strict arithmetic calculation does not lend its services to any of these scenarios."

(emphasis added)

42. The Supreme Court introduced a new head of compensation being, '*loss of domestic care*', providing that in cases where the homemaker has no income in monetary terms, compensation under this head would be treated as the monthly income. This additional head of '*loss of domestic*

care' is distinct from '*loss of consortium*' and is to be considered as a composite amount comprising three major heads:

(i) homemaker's contribution towards smooth functioning of the household;

(ii) loss of maternal support for children;

(iii) loss of spousal support; or support for parents of the deceased.

It was stated that this composite sum of Rs. 30,000/- shall be granted "*provided that all three of these heads are met in the given case*" and that the said amount shall be revised by 10% cumulative, every three years.

43. However, in view of the fact that it has not been clarified by the Supreme Court whether the above finding shall be applicable in both death and injury cases and considering that the claimant in the present case had suffered injuries, the above decision shall not be strictly applicable in the case at hand, but principles enunciated inform the decision of this Court as discussed below.

The Present Case

44. Since no documentary proof of matriculation or graduation has been filed by appellant/*Uma Rani*, it would be apposite to place reliance on the decision of this Court in ***Savita & Ors. v. National Insurance Co. Ltd.,*** 2026:DHC:3626, where the Court had culled out the principles for assessment of minimum wages in scenarios where there is no documentary proof of income. It was observed that minimum wages should be used as a yardstick and the Courts should not be constrained to consider wages from the lowest tier.

45. In any case, there is no hard and fast rule about adopting notional income for a homemaker, considering that the value of services provided by her to a household cannot be quantified, therefore, minimum wages of a skilled worker at Rs.8,814/- ought to be taken, applying the principles enunciated in decisions discussed in *paragraph nos.24-36* above, but taking into account the higher standard propounded by the Supreme Court ***Shishu Pal*** (*supra*), notwithstanding it is an injury case, the Court is inclined to consider the notional income (*including elements of loss of domestic care*) at Rs.10,000/-. This would accommodate some elements of what has been positively asserted by the Supreme Court on contribution of a homemaker to a household.

46. Appellant/*Uma Rani* suffered permanent disability of 63% in relation to left lower limb and consequently had to undergo an amputation one month after the accident as noted in the discharge summary of Trauma Centre (AIIMS) dated 01st January 2013; it seems likely that appellant/*Uma Rani* was undergoing treatment, from October 2012 till January 2013, which would involve being in the hospital for a minimum of four months. Considering that she would have required further two months to recover, this Court is inclined to consider loss of income for six months.

47. As far as the awarding *future prospects*, considering that appellant/*Uma Rani* was 68 years of age at time of accident, in view of the principles enunciated in ***National Insurance Co. Ltd. v. Pranay Sethi,*** (2017) 16 SCC 680 where Supreme Court categorically noted that future

prospects are not granted above 60 years of age, accordingly, this Court is not inclined to grant *future prospects*.

48. An appropriate *multiplier* of '5' shall be taken, in view of the decision in ***Sarla Verma v. DTC**,* (2009) 6 SCC 121.

49. As regards determining her *functional disability*, reliance may be placed upon the decision in ***Raj Kumar v. Ajay Kumar*** (2011) 1 SCC 343, where the Supreme Court held that the Tribunal must assess not merely the extent of permanent disability but its actual impact on the claimant's earning capacity, which may differ from the medical percentage of disability. This requires evaluating the claimant's pre-accident vocation, the functions affected, and whether livelihood can still be earned despite the disability. The Court emphasised that disability and loss of earning capacity are distinct concepts, except in cases where evidence shows they coincide. Relevant paragraphs are extracted as under:

> "***11.*** *What requires to be assessed by the Tribunal is the effect of the permanent disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that the percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation. (See for example, the decisions of this Court in Arvind Kumar Mishra v. New India Assurance*

Co. Ltd. [(2010) 10 SCC 254 : (2010) 3 SCC (Cri) 1258 : (2010) 10 Scale 298] and Yadava Kumar v. National Insurance Co. Ltd. [(2010) 10 SCC 341 : (2010) 3 SCC (Cri) 1285 : (2010) 8 Scale 567])

12. *Therefore, the Tribunal has to first decide whether there is any permanent disability and, if so, the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence:*

(i) whether the disablement is permanent or temporary;

(ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement;

(iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person.

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

13. *Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life). The second step is to ascertain his avocation, profession*

> *and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.*"
>
> (emphasis added)

50. Therefore, considering that appellant/*Uma Rani* had suffered 63% permanent physical disability in relation to left lower limb and had also undergone a below knee amputation, this Court is inclined to consider her functional disability at 50%.

51. It was further stated by *Ms. Singh*, counsel for appellant/*Uma Rani* that a prosthesis was taken at Rs.23,200/-, for which a claim had been made but was not settled, therefore, she has not been provided any amount on that account.

52. Considering the circumstances, that no proof has been provided for purchase of prosthetic but she is admittedly a care of amputation, an amount of Rs.1,00,000/- is granted on account of *artificial limb* and its *maintenance* in order to give her some recompense for expenses.

<u>Non-pecuniary losses</u>

53. As regards *non-pecuniary losses*, reliance may be placed on the decision of Supreme Court in ***K.S. Muralidhar v. R. Subbulakshmi and Anr.*** 2024 SCC Online SC 3385, where the Supreme Court observed that

"*pain and suffering*" cannot be captured by any fixed definition, drawing on legal, medical, and philosophical sources to emphasise its deeply subjective and life-altering nature. It recognised that translating such profound human loss into money is an inherently artificial exercise, yet courts must ensure fairness, consistency, and sensitivity to the victim's lifelong deprivation. The Court stressed that in cases of severe or 100% disability, compensation must meaningfully reflect the permanent rupture in the victim's physical, emotional, and existential well-being. Relevant paragraphs are extracted as under:

> "***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 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] A.C. 113, 116]"*
>
> ...

***13.5** In determining non-pecuniary damages, the artificial nature of computing compensation has been highlighted in Heil v. Rankin, as referred to in Attorney General of St. Helenav. AB 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] A.C. 326 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] A.C. 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."

…

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. 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. <u>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</u>. 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".

14.2 *This Judgment was recently referred to by this Court in Sidram v. United India Insurance Company Ltd reference was also made to Karnataka SRTC v. Mahadeva Shetty (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..."*

(emphasis added)

54. Therefore, compensation towards *mental and physical shock* and *pain and suffering* is increased to Rs.2,00,000/- each.

55. Accordingly, the revised computation is as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1	Expenditure on treatment (A)	Rs. 5,000/-	Rs. 56,396/-
2	Expenditure on conveyance (B)	Rs. 10,000/-	Rs. 25,000/-
3	Expenditure on special diet (C)	Rs. 10,000/-	Rs. 10,000/-
4	Income of injured (D)	Rs.7,254/-	Rs. 10,000/-

5	Multiplier (E)	Nil	5
6	Functional disability (F)	Nil	50%
7	Loss of income (G) [Rs.10,000/- x 6]	Rs. 7,254/-	Rs. 60,000/-
8	Loss of future income/future earnings [(D x 12 x E x F] = (H)	Nil	Rs. 3,00,000/-
	NON-PECUNIARY LOSS		
9	Artificial limb/prosthetic and maintenance (I)	Nil	Rs. 1,00,000/-
10	Mental and physical shock (J)	Rs. 30,000/-	Rs. 2,00,000/-
11	Pain and suffering (K)	Rs. 50,000/-	Rs. 2,00,000/-
12	Total compensation (A + B + C + G + H + I + J+ K) = L	**Rs. 1,12,254/-**	**Rs. 9,51,396/-**
13	Interest awarded	9%	9%

Directions

56. For the aforesaid reasons, compensation has been enhanced by Rs.8,39,142/- ["***enhanced amount***"].

57. Enhanced amount along with 9% interest per annum from the date of filing the petition shall be deposited before MACT within a period of four weeks. It is directed that a lump sum amount of *Rs. 2,50,000/-* shall be released to appellant/*Uma Rani* from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of *Rs. 25,000/-* each for periods of 1 month, 2 months, 3 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of appellant/*Uma Rani*. The amount of FDRs on maturity would be released

to the Savings Bank Account of claimant upon due verification.

58. Original compensation awarded by the MACT shall continue to be released as per scheme of the MACT.

59. The appeal is accordingly disposed of in the above terms.

60. Pending applications, if any, are rendered infructuous.

61. Copy of this judgement be sent to concerned MACT.

62. Copy of this judgement shall also be sent to concerned bank.

63. Judgment be uploaded on the website of this Court.

ANISH DAYAL
(JUDGE)

JULY 1, 2026/*mk*/*sp*